HOUSE OF REPRESENTATIVES—*Thursday, September 7, 2000*

The House met at 10 a.m.

Chaplain James T. Akers, Kansas American Legion, Madison, Kansas, offered the following prayer:

Holy God, Giver of Peace and Author of Truth, we acknowledge Your rule over our lives and the life of this Nation. We know You have plans for us and the power to make them happen. Give our representatives a vision of Your will for America today. Help us to always remember that we serve a great people and hold a sacred trust on their behalf. May we see that no Nation lives for itself alone, but is responsible to You for the well-being of Your creation. Now, let Your blessing rest upon this House, its leadership, its dedicated Members and staff, and of course this very great country. All this we pray in Your most gracious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California 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 a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 134. Concurrent resolution designating September 8, 2000, as Galveston Hurricane National Remembrance Day.

ADMINISTRATION ATTACKS THE BOY SCOUTS

(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, it never ceases to amaze me just how out of touch the Clinton-Gore administration is with the problems, the real problems, facing this Nation.

For example, more than 5 million acres of beautiful forest lands have burned to a black ash due to years of mismanagement and neglect by this administration, and yet the Clinton-Gore administration has decided to focus its time, its energy, and the taxpayer dollars of every hardworking American on whether or not the Boy Scouts should be allowed to camp on public grounds.

That is right, Mr. Speaker. This administration has launched its latest politically motivated attack against one of our Nation's most respected institutions, the Boy Scouts of America. Everyone knows that the Boy Scouts have done more for this country than the Clinton-Gore administration and the Boy Scouts are out educating young adults in character, responsibility and citizenship, three qualities that have not often been used to describe this administration.

Mr. Speaker, it is time that the Clinton-Gore administration stop attacking every group that is making our Nation great and instead start focusing on the problems of this Nation.

AIDS SPENDING IN D.C. APPROPRIATIONS

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, as we consider the D.C. appropriations bill, let us not forget our ongoing battle with one of the deadliest diseases affecting more than 40 million persons worldwide: AIDS.

In our Nation alone the number of new cases each year remains at 40,000, making this a leading cause of death. We have an obligation to act. We have seen substantial increases in Federal funding for research, education and treatment. The Congressional Black Caucus, working with the White House, secured $251 million in funds for programs in minority communities. Government-wide AIDS spending is estimated at $10 billion in fiscal year 2000.

Progress has been made, but we must do more. Current research has determined that needle exchange programs, which I support, help curtail infection rates by more than 10 percent. This deadly infectious disease cannot be allowed to spread unchecked. Vote against amendments to the D.C. bill that threaten this principle.

EYE DEGENERATIVE DISEASES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Isaac, Daria, and Ilana Lidsky, young constituents from my congressional district, are three of the approximately 6 million people who have retinal degenerative diseases. Along with their parents, Betti and Carlos, the Lidsky family works tirelessly to raise research funds for eye degenerative diseases. This Saturday, the Lidskys will hold their annual dinner which has helped make possible unprecedented medical advances.

In a groundbreaking study, supported by the Foundation Fighting Blindness, scientists amazingly restored vision in a mouse using oral doses of a chemical compound derived from vitamin A. This miracle offers evidence that researchers will soon be able to develop similar cures for patients with retinitis pigmentosa, macular degeneration, and other retinal degenerative diseases which may lead to blindness.

Now more than ever, in an effort to make these treatments available, we need to support funding for the National Eye Institute so that our Nation's researchers will have the resources needed to make sight-debilitating diseases extinct.

Mr. Speaker, this Sunday, CBS's ''60 Minutes'' will highlight the Lidskys' uplifting story, and I urge my colleagues to tune in and learn what each of us can do in order to help realize a cure soon.

RUSSIAN-BUILT MISSILES POINTED AT U.S.

(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, Russian President Putin told the United Nations that America does not need the Star Wars program.

Think about it. This Rusky wants it both ways. First, he builds missiles with billions of dollars of foreign aid from Uncle Sam; takes our money, builds the missiles; and if that is not enough to bust my colleagues' rubles, he then sells these missiles to our enemies who then point them at us.

I say here on the House floor that this guy, Putin, is not only drinking too much vodka, he is smoking dope. I say it is time to protect America from

Russian politicians who should be addressing Alcoholics Anonymous not the United Nations.

I yield back the fact, Congress, that we have missiles pointed at us that were built with our cash and made by Russia.

THE BOY SCOUTS OF AMERICA

(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, no organization has done more to train young men to believe in God and country than the Boy Scouts of America. No organization is more fundamentally decent and better for young men.

But the Clinton-Gore administration apparently thinks they are dangerous. After Democratic delegates booed a Boy Scout color guard at their convention, the Justice Department launched an investigation to see whether they should bar the Boy Scouts from Department of Interior programs because of their traditional American values.

They have since backed down. But just the fact that the Clinton-Gore administration even contemplated banning the Boy Scouts from national parks and programs because of their beliefs is an outrage.

The Boy Scouts is not a hate organization. It is the premier youth organization in America providing training for character and volunteerism. The Clinton-Gore administration should stop pandering to the loony left.

BUSH PROPOSAL ON PRESCRIPTION DRUG BENEFITS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I would draw our colleagues' attention to The New York Times and the Washington Post this morning where, after reviewing the Bush proposal on Medicare drug benefits, prescription drug benefits for our elderly, they draw the conclusion that, in fact, it is no benefit at all for millions of modest-income senior citizens in this country.

In fact, it is a benefit that is illusory. It is a benefit that requires us to wait for the governor to put in place a new bureaucracy to provide for drug benefits. It is a benefit that can be charged any price for its premiums and, as they draw the conclusion, that millions and millions of Americans simply will not be able to afford it. Therefore, the benefit is of no value to them at all.

More and more independent reviews of the Bush proposal are drawing this same conclusion, that it is only the appearance of a prescription drug benefit. It is not in fact a prescription drug benefit and that it would rely on the same private insurance companies that today are gouging people for health care or withdrawing health care from the elderly or denying them the services.

The one thing the Bush proposal does do is it undermines the current Medicare system.

DEATH TAX OVERRIDE

(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, last month the Clinton-Gore administration vetoed tax relief for the American people. They struck down a repeal of the death tax, a measure which taxes family businesses and farms on up to 55 percent of their value upon the death of their owner. Eighty-five percent of these businesses do not survive to the second generation because of the death tax penalty.

And to what end? Government enforcement of the death tax costs nearly as much as the tax actually generates. As a result, the death tax adds less than 1 percent of revenue to the Federal budget. In contrast, if we had ended the death tax last year, we could have created 45,243 more jobs this year and nearly 236,000 by 2010.

I urge my colleagues on both sides of the aisle to do the right thing: override this senseless veto and do away with the death tax.

BACK TO SCHOOL

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, millions of students across this country will get onto school buses and bikes to go back to school this week. Unfortunately, many of our Nation's students will be returning to crowded classrooms, run-down school buildings and outdated textbooks.

As a former teacher, I am acutely aware of both the excitement and the challenges facing our educational system today. We need to improve education by establishing tougher standards for our teachers, creating a school construction and modernization program, and funding preschool for some 3 year-olds and all of 4-year-olds. To that end, Congress must make education its top priority.

I would like to take a moment to wish a classroom in the Eighth Congressional District in New Jersey well this school year. Robin Holcombe is a kindergarten teacher in the Passaic School Number Six. She teaches 23 active, curious, and wonderful 5- and 6-year-olds. I want to let Robin know that the Congress is working for her and her students and will not rest until we provide her more professional training, smaller class sizes and her new kindergarten students with a sound and promising educational future.

Mr. Speaker, before I close, let me just say that many of the schools in northern New Jersey were built before the First World War. Congress must respond.

DEATH TAX OVERRIDE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, if there is one thing that makes the United States a unique country, it is our idea that anyone with a strong work ethic can succeed in America.

For over 100 years, men and women have emigrated to this country to take advantage of the tangible ideal we call the American Dream. Not surprisingly, the Internal Revenue Service is taxing the American Dream into the grave with a mean-spirited provision called the death tax.

The death tax hurts average Americans who cannot afford to pay high-price lawyers to settle their affairs. As a result, 70 percent of small businesses do not survive into the second generation. That is totally unfair.

This Congress passed a bill to repeal the onerous death tax. Regrettably, the Clinton-Gore administration vetoed it. Let us show the Clinton-Gore administration that the American dream is still alive. I urge my colleagues to support overriding the death tax veto.

DEATH TAX OVERRIDE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, death should not be taxed. Unfortunately, current law allows the IRS to do just that. When a person who owns a small business or a family farm passes away, the Government taxes up to 55 percent of that business' worth.

The death tax has meant the end to thousands of family-owned enterprises. In fact, this tax prevents nearly 85 percent of these organizations from being transferred from one generation to the next.

Business owners who can afford high-price lawyers can sometimes avoid passing on this tax to their families, but average Americans often cannot. The American Dream should not be taxed. And yet in vetoing this legislation, the Clinton-Gore administration is doing just that.

It is wrong for the Government to compound the shock of losing a family member with the devastation of losing one's livelihood. Now is the time to

right this injustice. Vote to override the Clinton-Gore veto of the death tax.

□ 1015

OIL PRICES HIT 10-YEAR HIGH

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the top headline in this morning's Washington Post says, ''Oil Prices Hit a 10-Year High.''

One main reason the prices are this high and probably going higher is that the OPEC countries know that the environmental extremists in this country will not allow more domestic oil production.

The U.S. Geologic Survey says we have billions of barrels of oil, equal to 3 years' worth of Saudi oil, in one tiny 2,000- to 3,000-acre part of the coastal plain of Alaska.

We have billions more barrels off the U.S. outer-continental shelf.

Yet this administration has vetoed legislation and has issued an executive order to prevent production of this oil.

I wonder if some of these environmental groups are funded by companies that make more money when we buy foreign oil.

To be so dependent on foreign oil hurts both our economy and our national security and risks more oil spills at sea.

Those who like higher gas prices, Mr. Speaker, should write the White House and wealthy environmentalists and say thank you.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 570

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. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, 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 Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. During 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 (Mr. LATOURETTE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER). During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and granted an open rule for H.R. 4115, a bill to authorize appropriations for the United States Holocaust Memorial Museum.

The rule waives all points of order against consideration of the bill and provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Resources.

The rule further makes in order the Committee on Resources amendment in the nature of a substitute, now printed in the bill, as an original bill for the purpose of an amendment, which shall be open for amendment at any point.

Additionally, the rule waives all points of order against the committee amendment in the nature of a substitute and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, through Israeli poet Abraham Shlonsky's simple words, we are reminded of our continued responsibility to the memory of that greatest of all human tragedies that was the Holocaust:

''For my eyes that have seen the bereavement and burdened with the cries of my bowed heart I vow to remember all, to remember and not forget anything.''

The terror spread by the Nazi regime across Europe from 1933 to 1945, the persecution and murder of millions of innocents because of their race, religion, political beliefs or nationality, stands to this day as one of the darkest, saddest, most tragic chapters of our world's history.

The Holocaust systematic annihilation of 6 million Jews by the Nazis and their collaborators is an unthinkable and unfathomable culmination of man's inhumanity to man.

But we must always think and we must always try to fathom what happened through the Holocaust. We must, as Abraham Shlonsky vowed, remember and not forget anything.

It was in that spirit of remembrance that in 1980 Congress established the United States Holocaust Memorial Council to plan a powerful living memorial to victims and survivors of the Holocaust.

The United States Holocaust Memorial Museum was opened in 1993 and has since become one of the most widely visited museums in Washington, D.C., hosting some 12 million visitors annually.

The museum is America's national institution for the documentation, study, and interpretation of Holocaust history and serves as this country's memorial to the millions murdered during the Holocaust.

The museum's primary mission is to advance knowledge of this unprecedented tragedy, preserve the memory of those who suffered, and encourage its visitors to reflect not only on the moral and spiritual questions raised by the events of the Holocaust but on their own responsibilities as citizens.

As many of the millions who have visited the Holocaust Memorial Museum can attest, one cannot soon forget this haunting tour of the darkest aspects of human nature. Nor will one forget the spirit of the millions of victims who perished and the courage of those who survived to bear witness against these atrocities.

H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the Federal Government with the responsibility of its day-to-day operations and maintenance.

The bill is a work product of the gentleman from Utah (Mr. CANNON) and

the House Committee on Resources based on the National Academy of Public Administration's 1999 report on the museum's maintenance, governance and management to the House Subcommittee on Interior.

The bill assures the continued presence and function of the memorial's current council by establishing it as the board of trustees with overall governance responsibility of the museum.

Additionally, this bill authorizes necessary appropriations to more effectively operate and maintain the museum.

Mr. Speaker, the Holocaust Memorial Museum is a tremendous testament to the human spirit; and as such, this body should have the fullest opportunity to amend any legislation pertaining to this memorial. By bringing this measure to the floor under an open rule, Members will have that opportunity.

Mr. Speaker, as Nobel Laureate and Founding Chairman of the United States Holocaust Memorial Council, Elie Weisel said, ''that is what the victims wanted: to be remembered, at least to be remembered.''

And only through remembrance can we truly vow, never again.

I urge my colleagues to support this fair and open rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, since its opening in 1993, the Holocaust Memorial Museum has become one of the most visited sites in Washington with nearly 15 million visitors in the past 7 years. This museum is a living memorial to the victims of the Holocaust and serves as the focus for education on the lessons of that great human tragedy in the hopes that one day we can rid the Earth of all genocide.

The underlying bill, H.R. 4115, would establish the museum as an independent entity of the Federal Government. Moreover, the measure provides the board of trustees with overall governance responsibility.

This legislation was introduced at the request of the council and the director of the museum. This is a noncontroversial change in the operations of the museum which deserves the support of the House.

The rule is an open rule and will allow any germane amendment to be offered to the bill, although it is not anticipated that any will be offered.

I am particularly proud to speak in support of this bill because of my own experience of working with Holocaust survivors. The Holocaust embodied the worst of what human beings can do, and yet so many survivors are still filled with hope and faith in the basic goodness of human nature.

As sponsor of a separate bill, the Justice for Holocaust Survivors Act, I had the privilege of meeting and hearing from many of these remarkable individuals. It is one of the proudest accomplishments of my career in Congress that this modest bill helped to drive the German Government to double the size of its compensation fund for the survivors of slave labor camps.

Mr. Speaker, in order that the House might proceed directly to consideration of H.R. 4115, I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 570 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. 4115.

□ 1028

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. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes, with Mr. LATOURETTE 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 Utah (Mr. CANNON) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I introduced this legislation to reauthorize the United States Holocaust Museum because the museum serves an important function in remembering the past.

This marks 7 years of success for the museum, which is visited by millions of people each year through its acclaimed exhibitions, education opportunities, publications and outreach programs.

Created by a unanimous act of Congress in 1980, the museum continues to receive strong support and recognition.

In addition to its primary mission of advancing and communicating knowledge of the Holocaust history, the museum offers an opportunity for its visitors to reflect upon the moral and spiritual questions raised by the Holocaust.

The success of the museum clearly demonstrates the public's deep interest in contemplating and gaining valuable lessons from the Holocaust.

□ 1030

The museum has had 14 million visitors, of which about 3.7 million have been children. In addition, 61 heads of state have visited, along with 2,000 foreign officials from 130 nations. In response to public demand, the museum has developed an educational and scholarly outreach program, with traveling exhibitions in 27 cities over the past several years. The teacher program serves 25,000 educators across the United States annually. Their Web site has received 1.5 million visits each year.

The museum has received recognition internationally as a center for Holocaust research and remembrance. There has been a dramatic growth in its collections, including more than 35,000 artifacts, 12 million pages of archived documents, 65,000 photographic images, oral histories from over 6,000 individuals, a library of over 30,000 volumes in 18 languages, and a renowned registry of Holocaust survivors and their families with a total of 165,000 listings. The museum is an invaluable reference service for the public, with the Museum archival, photo, historian's office and library staff responding to over 18,000 requests each year for information, guidance and services.

These accomplishments demonstrate the museum's extraordinary public service and the success it has achieved on the National Mall, across the United States and internationally. The museum's mission to carry the legacy of Holocaust education and conscience forward into the 21st century is important. The museum is key to strengthening our ability as Americans to understand history's painful lessons, to help us overcome the worst of human impulses, and to improve our future.

I might just point out here that the Holocaust that we are dealing with is not just that of the Nazi atrocities leading up to and through World War II. We have had a large number of nations who have persecuted and murdered their citizens. In Cambodia we have had about 2 million people murdered. East Timor had 200,000. In Uganda, 750,000 people were murdered. And in Rwanda recently 800,000 people. Armenia had about 600,000 people murdered and in Russia if you include not just the decisions to murder citizens but the stupidity of the command economy, somewhere between 80 and 100 million people died at the hands of the government or at the decisions of the government.

The bill before us authorizes necessary appropriations to more effectively operate and maintain the museum. None of the funds are authorized

for construction purposes. Federal appropriations for the museum have averaged around $31 million annually for the last 5 years and the budget request for fiscal year 2001 is $34.6 million. Donated funds have averaged approximately $21 million for the last 3 years, with expected donations of $21.4 million in 2001.

When the National Academy of Public Administration studied the functioning of the museum, they recommended several minor changes which are incorporated into this legislation. Among them are the ability to retain revenue from activities undertaken by the museum and several slight organizational changes to make the museum more efficient. This bill will support the mission of the United States Holocaust Memorial Museum and its enduring role in our society.

As a member of the museum's council I am proud to be a sponsor of this legislation. Several of our colleagues are also members of the council. The gentleman from New York (Mr. GILMAN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. LANTOS), and the gentleman from Ohio (Mr. LATOURETTE) contribute to the important cause of the museum and council by serving on the council. I urge my colleagues to join me and the 24 original cosponsors in voting for this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4115 is a noncontroversial measure that would legislatively establish the United States Holocaust Memorial Museum as the institution with primary responsibility for our national remembrance to victims of the Holocaust. In addition, the bill provides for the permanent authorization of appropriations for the museum's operation.

In 1980, Congress enacted Public Law 96–388 establishing a U.S. Holocaust Memorial Council. Among the council's responsibilities was the planning, construction and operation of a permanent living memorial museum to the victims of the Holocaust in cooperation with the Secretary of the Interior and other Federal agencies.

The United States Holocaust Memorial Museum opened to widespread acclaim in April 1993. Visitation to the museum has greatly exceeded our expectations. With more than 2 million visitors annually, it is one of the most visited museums in Washington, D.C. In addition, the museum has won awards for architectural and programmatic excellence.

H.R. 4115 is based upon the recommendations of a study done by the National Academy of Public Administration on the governance and management of the council and the museum. The bill would establish the U.S. Holocaust Memorial Museum as the institution with primary responsibility for the mandates of the original Holocaust Memorial legislation.

The existing Holocaust Memorial Council would be established as a board of directors of the museum with the council's director as the chief executive officer of the museum. The bill would also authorize the museum to retain and expend revenues generated from activities. The bill includes a permanent authorization of appropriations of such funds as may be necessary for the museum's operation.

Mr. Chairman, we must assume that the Republican leadership had some time it needed to fill on the floor schedule because H.R. 4115 is a wholly noncontroversial measure that did not need to be brought to the floor under a rule. Nevertheless, I support the bill and urge my colleagues to do likewise.

Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I rise in support of H.R. 4115, a bill to reauthorize the United States Holocaust Memorial Museum introduced by the gentleman from Utah (Mr. CANNON).

Mr. Chairman, H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the Federal Government with the responsibility of maintaining and operating the museum. The gentleman from Utah (Mr. CANNON) deserves credit for crafting this bill which helps a very important part of the Washington, D.C. museum complex and is an important part of history.

On November 1, 1978, then President Jimmy Carter established the President's Commission on the Holocaust charged with the responsibility to submit a report to the President on the establishment and maintenance of an appropriate memorial to commemorate victims of the Holocaust. The final report called for a memorial and museum as a Federal institution serving the public, scholars and other institutions. In 1980, Congress passed a law which established the U.S. Holocaust Memorial Council and, among other things, required them to plan, construct and operate a permanent living memorial museum to the victims of the Holocaust in cooperation with the Secretary of the Interior and other Federal agencies. In April of 1993 the Holocaust Memorial Museum opened and since then has become one of the most visited sites in Washington, D.C., hosting approximately 2 million visitors annually.

At the request of the Subcommittee on Interior of the Committee on Appropriations, the National Academy of Public Administration prepared a report in 1999 to assess the museum and make recommendations to improve the museum's governance, management, and administration. H.R. 4115 implements many of these recommendations.

The Holocaust Memorial Council was formed in 1980 for the purpose of establishing a permanent living memorial museum. Having accomplished this, H.R. 4115 establishes the Holocaust Memorial Museum, rather than the council, as the institution for the primary responsibility for the museum's operation. The Holocaust Memorial Council, however, would still function as the governing body in serving as the board of trustees. The council is currently composed of 65 voting members appointed by the President, the Speaker of the House, and the President pro tempore of the Senate. Three members of the council are selected by the President's Cabinet. Among the current council members are five Members of the House, including the gentleman from Utah (Mr. CANNON), the gentleman from New York (Mr. GILMAN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. LANTOS), and the gentleman from Ohio (Mr. LATOURETTE). This bill authorizes necessary appropriations to more effectively operate and maintain the museum. However, none of the funds may be used for construction purposes.

This is a good bill which assists in the continuation of one of our most important museums. I urge my colleagues to support this. I know, as many Members of Congress know, probably more people ask to go to the Holocaust Museum now than probably any other place outside of the White House and this building.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding time. Let me thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and my colleague on the Republican side of the aisle for his leadership on this bill.

Mr. Chairman, not very far from here there is a woman who lives in a nursing home and her name is Janka Fischer. She is 101 years of age. Most of the people in the home know Mrs. Fischer as a kind woman with a Hungarian accent who despite her age always wants to help others. What only a few know is that 60 years ago, Mrs. Fischer was a talented seamstress in her native Budapest. She had a small business of her own and a close, loving Jewish family. And then all of that changed. The Hungary she lived in became a very different place than the nation she grew up in. It was a nation living under Fascism, a country where it was no longer safe to be a Jew.

In the summer of 1944 with the war clearly lost, the German government

ordered the annihilation of the Hungarian Jews. The author Daniel Goldhagen writes that between May 15 and July 9, the Germans diverted box cars from the war effort to send 43,000 Hungarian Jews to concentration camps. Most of the Jews were murdered in the gas chambers at Auschwitz. Others died in different camps and on forced marches. A relative handful survived. They included Mrs. Fischer and two of her daughters. Almost everyone else died in the chambers. Mrs. Fischer still cannot talk about that time without bursting into tears. How could she do otherwise? Through luck and through her sheer tenacity, she survived the Holocaust. But will the memory of the Holocaust survive Mrs. Fischer? Will it survive the others who suffered through it?

We have a responsibility to see to it that it does, to see to it that future generations understand the lessons of that era and to see to it that the world never forgets them. That is the special mission of the Holocaust Memorial Museum and that is why it has earned the support of every American. We owe that to those who died in the gas chambers at Auschwitz. We owe it to that nice old woman with the Hungarian accent named Janka Fischer.

Again, I thank my colleagues for their leadership in bringing this to the floor.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, first I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all his assistance in putting together this bill; and of course, I want to recognize my dear, dear friend, the gentleman from Utah (Mr. CANNON), who in my 4 years now in the Congress I have not found an individual of higher integrity and moral purpose than the gentleman from Utah. It is just a pleasure to serve with him. I thank him for his leadership on this issue.

As an original cosponsor of this bill, I welcome this legislation's intent to permanently authorize appropriations for the United States Holocaust Museum. By passing this bill today, this body will give the United States Holocaust Memorial Museum, quite appropriately, I believe, the same permanent authorization for appropriations that is currently reserved for the Smithsonian Institution and the National Archives.

Mr. Chairman, I believe that it is in America's vital national interest to continue the way in leading and in remembering and preventing the crimes against humanity that are depicted in the U.S. Holocaust Memorial Museum. It is the exact purpose served by the Holocaust Museum and a purpose that will continue to be realized if we pass this resolution today.

During the past 7 years, 61 heads of state and 2,000 foreign officials from over 130 countries have toured the Museum and learned more about the horrors of the Holocaust and about what can happen. Each year, more than 25,000 teachers nationwide are provided with materials and training on the continuing lessons of the Holocaust. And since its opening in 1993, the U.S. Holocaust Memorial Museum has welcomed over 13 million visitors.

□ 1045

What is the lesson of the U.S. Holocaust Memorial Museum my friends? The lesson is that ignorance, hatred, and intolerance, if left unchecked can result in the slaughter of innocent millions and millions and millions of men, women, and children.

Whether we study the holocaust or any other genocide, we can learn these lessons, it is the role of the U.S. Holocaust Memorial Museum that serves this purpose today. We need to make sure that the slaughter, the shame, and the scars of this Holocaust and all the genocides of the 20th century are never repeated.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank my dear friend, the gentleman from New Jersey (Mr. ROTHMAN) and for his kind words. We got to know each other when we cohosted our freshman class in the evening that we held at the Holocaust Museum and while we differ on a number of issues, there are some things that draw us together as Americans and as friends.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), the chairman of the Appropriations Subcommittee on Interior.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Utah (Mr. CANNON) for yielding me the time.

Mr. Chairman, I rise today to offer my strong support for the passage of H.R. 4115, the reauthorization of the U.S. Holocaust Memorial Museum.

For the past 6 years, I have chaired the Appropriations Subcommittee on Interior which provides the Federal funding for this outstanding museum, and I am pleased today to offer my support for its reauthorization.

The Holocaust Museum was constructed with private funding in 1993 and today remains a model public, private partnership. As has been said before, it has served something in excess of 13 million visitors and students and dignitaries from all over the world, including 130 foreign countries.

The bill to reauthorize the museum is an important document, as it makes important improvements to the museum's overall administration and operation. These changes set the museum on a very positive course for the future and have been recommended by the National Academy of Public Administration.

With these changes in place, the museum may continue to carry out its important mission of serving as this country's memorial to the millions of people murdered during the Holocaust and of educating us and future generations so that we may prevent such a tragedy from ever again occurring. And I cannot emphasize enough the education role of this museum.

Mr. Chairman, I thank you again for the opportunity to express my strong support for this bill.

Mr. Chairman, I rise today to offer my strong support for the passage of H.R. 4115, the authorization of the U.S. Holocaust Memorial Museum. For the past six years, I have chaired the Interior Appropriations Subcommittee which provides the federal funding for this outstanding museum, and I am pleased today to offer my support for its reauthorization.

The Holocaust Museum was constructed with private funding in 1993 and today remains a model public private partnership. Since its opening, the museum has received 13.5 million visitors, including students and dignitaries from all over the United States and 130 foreign countries.

The bill to reauthorize the museum is an important document, as it makes important improvements to the museum's overall administration and operation. These changes set the museum on a very positive course for the future and have been recommended by the National Academy of Public Administration. With these changes in place the museum may continue to carry out its important mission of serving as this country's memorial to the millions of people murdered during the Holocaust and of educating us and future generations so that we may prevent such a tragedy from ever again occurring. I cannot emphasize enough the important role of the Museum in educating the visitors about this tragedy.

Mr. Chairman, thank you again for the opportunity to express my strong support for this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend, the gentleman from California (Mr. GEORGE MILLER) for yielding me time, and I want to express my appreciation to the gentleman and also to the gentleman from Utah (Mr. CANNON) for their leadership on this issue.

Mr. Chairman, I, of course, rise in strong support of this legislation as the only survivor of the Holocaust ever elected to the Congress of the United States. The Holocaust Memorial Museum clearly fulfills two equally important but very different functions. It stands as a permanent tribute to the vast numbers of innocent men, women and children who were murdered on a gigantic scale by the Nazi war machine and their allies, but it also stands as one of the foremost pedagogic institutions of the United States of America,

because it opens its doors to millions of young people in this country who go through the halls of the museum in disbelief and horror as they are confronted with man's mindless inhumanity to man.

In the harried days at the end of the Second World War, it was customary to say ''never again''. But, of course, that phrase from the vantage point of the year 2000—has a very hollow ring, because time and time again populations were extinguished in southeast Asia, in central Africa and elsewhere as religious and ethnic and racial hatred ran amuck. People killed others for the sole reason that they were of a different ethnic or religious or linguistic or racial community.

It is one of the great achievements of our great republic that the first military undertaking of human history purely for reasons of human rights was initiated by the United States and our NATO allies in the former Yugoslavia just a year and a half ago. We simply felt that the killing of innocent people in Kosovo was unacceptable because they represented a different religious or ethnic group from the dominant religious or ethnic group of Yugoslavia.

So I think the Holocaust Memorial Museum needs to be viewed in a very broad context. It is a reminder for all time to come of the nightmare of the Holocaust, the massacre of 6 million innocent people by a regime of ultimate brutality and barbarity. But it is also an educational institution that reminds us for all time to come that hate crimes lead to more hate crimes, and when hate crimes become endemic, we have a Holocaust.

The Holocaust Memorial Museum is one of the most significant institutions of our Nation, and it speaks well for the Congress of the United States that today we will be reauthorizing this institution—I trust unanimously—to carry on its sacred mission.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from California (Mr. LANTOS) for his very kind words. The gentleman knows I have been a great admirer of his for many years, in fact 25 years ago when I first met his beautiful daughters before he was a congressman.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Ohio (Mr. LATOURETTE), a fellow council member on the Holocaust Museum.

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman from Utah (Mr. CANNON) for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 4115, the legislation in front of the body.

Over the last 6 years, I have had the honor of serving as one of the council members of the Holocaust Museum, and I can say with all candor, that that service has been one of the highest honors if not the highest honor that I received since I have been in the United States Congress.

During my time of service, I have had the opportunity to learn firsthand what all of us really knew, that it is a remarkable institution. The museum recently marked its 7th anniversary and in its short tenure it certainly made its mark.

There was great anticipation and excitement when it was about to open and when the idea was conceived, but I do not think anybody would have recognized what it would achieve in only 7 years. Other speakers have talked about the shattered attendance records. People have talked about the fact that dignitaries from 130 countries have come. And while those dignitaries garner the headlines, it is the everyday people from all walks of life who really make the story of the museum so special: parents and children, school groups, community groups, and teachers.

Given the museum's success, it is hard to believe today that before its opening there was genuine concern as to whether or not this museum would appeal to anyone but Jews. People were afraid that visitors would not come. Of the millions of people, Mr. Chairman, who have visited the museum, 80 percent of all visitors are not Jewish, 14 percent are foreigners and 18 percent have come to the museum more than once.

When the museum celebrated its 5th anniversary, it commissioned a survey about the Americans' view of the Holocaust. The purpose of the survey was to judge Americans depth of understanding and also to focus and continue to focus the mission of the museum. The survey had encouraging and discouraging results. Seventy-seven percent of Americans had heard of the museum, and 61 percent said they would be interested in visiting it if they came to Washington, D.C. Two of every three Americans polled wanted to learn more about the Holocaust, and minorities were most enthusiastic in that regard including 79 percent of the African Americans polled and 75 percent of the Hispanics.

Eighty percent, four out of every five Americans surveyed pictured the Holocaust as one of the history's most important lessons, placing it behind the American Revolution, but ahead of the American Indian struggles, the U.S. civil rights movement, Vietnam, slavery and the Cold War.

Responses also proved the value worth of the museum and its role in educating the public. One out of every five Americans, 20 percent, do not know or were not sure that Jews were killed during the Holocaust or that it occurred during the Second World War. More than 70 percent of those polled falsely believed that the United States granted asylum to any and all European Jews that wanted it. Sadly, in fact, the United States had one of the worst records in accepting refugees. Only 21,000 refugees were accepted in the United States as they fled Nazism during World War II.

Mr. Chairman, my first experience at the museum, I was taken by a fellow by the name of Mark Newman, whose father was a Holocaust survivor, and although he said I should come back, and I have come back many times to spend 4 hours and 5 hours in the museum at a time, he wanted to show me two exhibits. Because I was going to be a new legislator, he wanted to show me the exhibit on the St. Louis and the exhibit on the failed conference at Evian, the conference wherein supposedly the great powers of the world got together to determine which country would in fact accept refugees who were fleeing for their very lives from the stain of Nazism. That conference failed, it failed, and my host made the observation, because legislators did not do their job at this moment in time, and it remains a stain of shame on the United States. It remained a lesson that I carry with me as I make decisions here in the House of Representatives.

I want to thank the gentleman from Utah (Mr. CANNON) for bringing forth this legislation. It is a good bill. It passed unanimously when it was first authorized, and it should again today.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to thank the gentleman from Utah (Mr. CANNON) for bringing this legislation forward and note that many of the speakers this morning talked about the educational aspect of this museum. Many of us have school children, young people who come and visit Washington as part of trips for various organizations or schools or social clubs and what have you, and when you talk to these young people when they come to our office and you ask them about their experience in Washington D.C., for those who had the opportunity to visit the Holocaust Museum, it is quite something to talk to these young people as they speak of their amazement, of their horror, and of their sadness visiting the museum, and the fact that but for the museum they may have never learned or they had not learned to date of the story of the Holocaust, of the history of the Holocaust and of the scale of the Holocaust.

Clearly, a decision that was championed for so long by our former colleague Sidney Yates of Illinois, a decision by this Congress to establish this museum is clearly one that is paying back incredible dividends in terms of enriching the knowledge of history of young people and so many others in this country and from around the world about the Holocaust.

I think the Congress should be very proud of the establishment of this museum. As the gentleman from Ohio (Mr. LATOURETTE) pointed out, at one point people thought maybe this was not wise, it should not be done, there was no constituency for it. But the fact of the matter is, that we now see it as among the most visited of the museums and sites in Washington D.C.

When we establish these kinds of museums or the national parks or the wilderness areas, very often, as we find out, these are decisions that we make that keep giving back to this Nation, and they give back on a daily and a yearly basis as they enrich the lives and the understanding of the American people and others about our place in history, about the role of history and our consideration of the future.

□ 1100

Clearly the Holocaust Museum is a major, major monument to that effort. As the gentleman from California (Mr. LANTOS) reminds us, the Holocaust is not only about the past and about history, it is about a very deep consideration of human rights in the future and in current-day political struggles throughout the world.

In many ways, that may be one of the finest gifts that the Holocaust Museum gives to each new generation as they take their place of position of authority, is to think about the Holocaust, and then to think about the tragedies that everyday people are suffering throughout the world at the hands of despots and those who seek power almost just for power's sake, but have to do it at the great price of another people so that they can achieve that kind of incredible totalitarian power over others.

So it is with great respect that I support this legislation, and again thank the gentleman from Utah (Mr. CANNON) and the cosponsors of this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. CANNON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just was thinking as we reflected on the success of the museum that we should mention that Miles Lerman, who was chairman of the museum board for many years, along with Congressman Sid Yates, who was chairman of the Committee on the Interior working together, really made this a success. I think much of what we have discussed today is a reflection of the initiative of these two individuals and the enormous amount of effort they put into making this museum what it is today with its ability to serve the public and convey a message.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by encouraging Members of this body and other Americans to visit the museum. I thought I might do that by telling my personal experience with the museum. First of all, I would like to thank the ranking member of the committee for his support and help during this debate and the development of the bill.

I was born in 1950, shortly after World War II; and, as I went through high school, one of the kindest, most thoughtful professors, teachers, that I had there was a Jew who had survived the holocaust. He had a colleague, who I never had a class from, but who had a son that was my age, so I became friends with the three of them.

One of the most stark experiences of my youth was to see those two teachers of history roll up their sleeves and show me a tatoo that had been put on their arms by the Nazi regime. That framed much of my view of the world and of history and of the role of government, frankly, and it was very important to me.

Since the opening of the museum, I have visited it several times; and it is a tremendously personal experience to go through that museum. You are confronted with the best and worst in the impulses of human beings as you go through it. It is an intimate experience. We do not have many survivors of the Holocaust left who can give the impression to young people that those two great men gave to me.

So I would encourage everyone to go through and visit the museum. I will say that it is a stark experience. There are places that have barriers so that small children cannot see some of the demonstrations of the inhumanity of man to man. They are worth looking at and considering.

Mr. Chairman, let me just say it has been a great pleasure to work on this bill with all of those involved.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of H.R. 4115, the United States Holocaust Memorial Museum Act. As the only Member of the New York State delegation to serve on the Committee on Resources, I was pleased to co-sponsor this legislation.

Seven years ago, the Holocaust Museum was opened in Washington D.C. as both a stark testament to the sheer brutality of the Holocaust and as an appropriate way to learn from the past so that we never repeat it.

I believe the words of General Dwight David Eisenhower dating from April 15, 1945 express the horrors of the Holocaust best and reaffirm why this Institution is needed. His quote, as it is inscribed on the walls outside the Museum, states:

> The things I saw beggar description . . . the visual evidence and verbal testimony of starvation, cruelty, and bestiality were overpowering. I made the visit deliberately in order to be in position to give first hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to quote ''propaganda.''

I encourage all Americans to visit this Museum in our Capitol City and witness firsthand the powerful images of both hope and hatred expressed in that building. From the railroad car that transported human beings like chattel to the concentration camps, to the powerful testimonies of real survivors, the images are real, stark and bitter.

On my first visit, I was most struck by the fact that, as you begin the tour, every visitor is provided an identification card of a real victim of the Holocaust.

As you walk through the Museum, you turn the page of ''your'' life story. As I reached the end, I felt personally connected to my ''identity'' and was disturbed to learn of ''my'' fate.

Unfortunately, the lessons and the educational seminars of the Museum today are still needed as we still witness genocide on our planet today.

Here, I remember back to the opening ceremony of this Museum. Holocaust survivor and author Eli Weisel was one of the principal speakers and he stood and challenged President Clinton, sitting next to him, to address the new Holocaust of the 1990's—Bosnia.

He spoke about the true mission of the Museum—to teach us about our past so that we will never repeat them in the future. That is not only a Museum of the past but of the present and the future.

Unfortunately, our world continues to witness mass death, genocide and violence driven solely by hatred of an individual based on one's race, religion, ethnicity or sexual orientation—like we saw under Hitler.

While I proudly stand in support of this legislation—the Holocaust Museum is more then a Washington landmark. It is a reminder of what our world has witnessed and a testament that more work is needed so that no more memorials need to be erected to victims of genocide and hate.

I also want to thank two of my colleagues. The first is my current colleague, Representative TOM LANTOS, a Holocaust survivor and a moral voice for all of us in this Chamber.

I would also like to acknowledge the work of a former colleague, someone I have not had the pleasure to serve with, but whom, without his leadership, the Museum may not be standing today. That person is Congressman Sid Yates.

The first time I visited the Museum, I was joined by his successor, Representative JAN SCHAKOWSKY, who has carried on his dedication and support for this fine institution.

Congressman LANTOS, I honor you. Congressman Yates, I remember you today.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 4115, legislation to officially establish the United States Holocaust Museum and authorize appropriations for its operation. The U.S. Holocaust Memorial Museum is this nation's premiere institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust.

Chartered by a unanimous Act of Congress in 1980, the Holocaust Museum has greatly broadened public understanding of the history of the Holocaust through multifaceted programs. The Holocaust represents the most tragic human chapter of the 20th century when six million Jews perished as the result of a systematic and deliberate policy of annihilation. The Holocaust Museum allows us all to

bear witness to the atrocities of the period and challenges us to confront the indifference of that our own political leaders showed at that time. These lessons are critical, especially in light of the use, in recent years, of genocide for political and tactical purposes by regimes in Europe and Africa.

As an aside, I would like to take this time to also recognize the Holocaust Museum of Houston. Since its opening in 1996, the Holocaust Museum of Houston, like its national counterpart in Washington, has installed exhibits that not only remind visitors of those who died and survived the tragedy of the Holocaust, but also to educate the public, specifically school-age children, about the dangers of racial intolerance.

Mr. Chairman, I rise in strong support of H.R. 4115 and urge my colleagues to join me in authorizing appropriations for the U.S. Holocaust Memorial Museum.

Ms. SCHAKOWSKY. Mr. Chairman, I am proud to join my colleagues today in support of H.R. 4115, the U.S. Holocaust Memorial Museum Authorization. This bill builds upon and continues the legacy of my predecessor Representative Sidney Yates whose hard work led to the passage of legislation establishing the Holocaust Memorial Council in the 96th Congress.

The vision of Congressman Yates and so many others has translated into a powerful, successful, and beautiful testament to the lives that were lost to the Holocaust, the United States Holocaust Memorial Museum. And what a testament the Museum is. Without about 12 million visitors every year, the museum has served as an incredible teaching tool, as well as a place of peace where people can go to remember those who were lost. Along with the great success of the facility here in Washington, the Museum does substantial outreach to schools and communities throughout the nation. The traveling exhibits of the Museum have brought the lessons of the Holocaust to those who are unable to visit the nation's Capital. The Museum also provides materials for teachers who devote class time to Holocaust commemoration. Anyone, who has visited the Museum or one of its traveling exhibits understands the important role they play and the important lessons they can teach to all Americans.

The Holocaust Memorial Council has also helped guide this body in observance of the Days of Remembrance every year when we take time in the nation's Capital to commemorate the Holocaust.

The bill we are considering today makes permanent the authorization of such sums as necessary for the Museum to continue to operate. Besides going through the formality of making this funding permanent today, we are making an important statement. With passage of this legislation, the members of this body are saying to the nation and to the world that we will never forget and that we will continue to teach our children and our children's children that what happened during one of the world's darkest and most tragic chapters in history must never again be tolerated.

Again, Mr. Chairman, I join my colleagues in supporting this legislation and I thank all members who worked to bring this measure to the floor. I urge all members to vote in support of H.R. 4115.

Mr. PAUL. Mr. Chairman, I rise today in hesitant opposition to H.R. 4115, the U.S. Holocaust Memorial Museum Authorization Act. We as vigilant Americans must never forget the horrific lessons of the past and those attendant consequences of corporatism, fascism, and tyrannical government; that is, governmental deprivation of individual rights. A government which operates beyond its proper limits of preserving liberty never bodes well for individual rights to life, liberty and property. Particularly, Adolph Hitler's tyrannical regime is most indicative of the necessary consequences of a government dominated by so-called ''government-business'' partnerships, gun-confiscation schemes, protectionism, and abandonment of speech and religious freedom in the name of ''compelling government interests.''

Ironically, this measure's language permanently authorizes the appropriation of such sums as may be necessary for the United States Holocaust Memorial Museum; a purpose which propels our very own federal government beyond its constitutionally enumerated limits. This nation's founders were careful to limit the scope of our federal government to those enumerated powers within Article One, Section 8 of the U.S. Constitution. These limits were further instilled within the bill of rights' tenth amendment which reserves to States and private parties those powers not specifically given to the federal government.

Evidence that such private contributions can properly memorialize this most important historical abhorration can be found given that this museum receives approximately $20 million in private donations annually.

Mr. Chairman, while I agree it is most important to remember and memorialize with a heavy heart the consequences of tyrannical governments operating beyond their proper limits, ignoring our own government's limits of power and, thus, choosing a means incompatible with its ends to do so must not be tolerated. Hence, I must oppose H.R. 4115.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of this legislation. The Holocaust Memorial Museum is a powerful tool to educate about the horrors of the Holocaust, to preserve the memory of the millions who suffered, and to teach its visitors how hate and intolerance can lead to tragedy. Over the last 7 years, almost 15 million people have visited the Museum and witnessed firsthand the truth about what happened during the Holocaust. Thousands more have toured the traveling exhibits the Museum coordinates and conferences around the country. In Washington, DC alone, a record 1.5-million visitors have toured the museum this year.

It is critical that a sensitivity to the Holocaust be instilled in our society. Even today there are establishments that are teaching that the Holocaust never happened or avoid it altogether.

I recently heard from a woman that was taught in her high school history class to appreciate the leadership Hitler brought to Germany. In fact, her only assignment on World War II was to write a paper praising Hitler's regime.

Unfortunately, it wasn't twenty years ago that this happened. In fact, there are organizations out there today with the sole purpose of denying that the Holocaust ever happened. This makes the role of the United States Holocaust Memorial Museum that much more necessary.

Educating about past wrongs and teaching tolerance instead of hate is the only means we have to help prevent future tragedies.

I urge my colleagues to continue to support the United States Holocaust Memorial Museum and in doing so, honor the memory of all those who suffered at the hands of hate.

Mr. GILMAN. Mr. Chairman, I rise in strong support of legislation the House is considering today, H.R. 4115, which authorizes appropriations for the United States Holocaust Memorial Museum. In so doing, this legislation also commends the vital, ongoing work of the Museum in speaking the truth against those who would deny that the Holocaust ever took place or who attempt to negate that the Holocaust specifically targeted Jews for extinction.

I especially commend the sponsor of this measure, Mr. CANNON of Utah, who serves with me on the Holocaust Memorial Council. I wish as well to thank the Chairman of the Resources Committee, Mr. YOUNG, and the Chairman of the Subcommittee on National Parks, Mr. HANSEN, for their great support and commitment to the Museum and this subsequent authorizing legislation.

In its seven year history, the Holocaust Memorial Museum has had 14 million visitors, of which 3.7 million have been children. In addition, 61 heads of state have visited, along with 2,000 foreign officials from 130 nations.

The Museum has sent traveling exhibits to over 27 cities in the past few years. Its teacher program serves 25,000 educators across the United States annually, and its website has received over 1.5 million visits per year since its inception.

The Museum is recognized internationally as a major center for Holocaust research and memory. It contains more than 35,000 artifacts, 12 million pages of archived documents, 65,000 photographic images, oral histories from over 6,000 individuals, a library of over 30,000 volumes in 18 languages, and a renowned registry of Holocaust survivors and their families with a total of 165,000 listings.

The museum has become an invaluable reference for the public, and over 18,000 requests for information are fulfilled each year.

The House Resource Committee's report notes that, ''H.R. 4115 reauthorizes and establishes the United States Holocaust Memorial Museum as an independent entity of the federal government with the responsibility of maintaining and operating the Museum. This bill assures the continued presence and function of the (Holocaust Memorial) Council by establishing it as the board of trustees of the Museum with overall governance responsibility for the Museum. This bill authorizes necessary appropriations to more effectively operate and maintain the Museum . . . Federal appropriations have averaged around $31 million annually for the last five years. The budget request for Fiscal Year 2001 is $34.6 million. Donated funds have averaged approximately $21 million for the last three years with expected donations of $21.4 million for 2001.

Mr. Chairman, as a member of the Museum's Holocaust Memorial Council I am pleased to cosponsor this legislation. I also

wish to express my support and gratitude for the hard work and dedication shown by the Museum's director, Sara Bloomfield, and its chairman, Rabbi Irving ''Yitz'' Greenberg. I have no doubt that under their guidance, the Holocaust Memorial Museum will continue to be regarded as the pre-eminent Holocaust related institution in the United States.

Accordingly, Mr. Chairman, I strongly urge my colleagues to join in expressing their support for the critically important work of the Holocaust Memorial Museum by adopting H.R. 4115.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to strongly support H.R. 4115, the U.S. Holocaust Museum Authorization.

This is an important measure that comes at a critical time in the 106th Congress. The legislation permanently authorizes the appropriation of such sums as necessary for the United States Holocaust Memorial Museum. We should not delay our full support of H.R. 4115. There is no common-sense reason to delay or impede this wise and timely step.

A 1980 law (PL 96–388) established the Holocaust Memorial Council, which was to plan, construct, and operate a permanent memorial museum to the victims of the Holocaust.

I was delighted when the U.S. Holocaust Museum was opened in April 1993. It is no secret that it has become one of the most visited sites in Washington, averaging about 12 million visitors per year.

The victims of the Holocaust must be remembered so that no such tragedy ever happens again.

A 1999 study conducted by the National Academy of Public Administration recommended changes in the way the museum is governed and managed. The recommended changes will, among other things, facilitate greater public understanding of why the museum was needed in the first place.

H.R. 4115 also changes the museum's management structure by moving the day-to-day responsibility for maintaining and operating the museum from the Holocaust Memorial Council to the museum.

Under the bill, the museum also would be changed from a federal institution to an independent entity of the federal government. This is surely a well-reasoned decision by those that have done a good job in carrying out the will of Congress. It is vital to monitor the museum's continued development.

During the last five fiscal years, federal appropriations for the museum have averaged $31 million. The administration's budget request for fiscal 2001 is $34.6 million. The museum also receives approximately $20 million in donations annually. Congress should, at the very minimum, support this very modest increase, particularly on behalf of the families and friends of the victims of the Holocaust. That is the least we can do.

This bill properly implements the Academy's recommendations. It deserves our continued support, and I urge my colleagues to vote in favor of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to read as follows:

"CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

''Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.
''Sec. 2302. Functions of the Council; membership.
''Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
''Sec. 2304. Administrative provisions.
''Sec. 2305. Staff.
''Sec. 2306. Insurance for museum.
''Sec. 2307. Gifts, bequests, and devises of property; tax treatment.
''Sec. 2308. Annual report.
''Sec. 2309. Audit of financial transactions.
''Sec. 2310. Authorization of appropriations.

''SEC. 2301. ESTABLISHMENT OF UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.

''The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United State Government. The Museum shall—

''(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

''(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

''(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

''SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

''(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

''(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

''(1) 1 appointed by the Secretary of the Interior.

''(2) 1 appointed by the Secretary of State.

''(3) 1 appointed by the Secretary of Education.

Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

''(c) TERM OF OFFICE.—

''(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

''(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

''(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

''(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

''(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

''(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

''(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

''(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

''SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

''(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

''(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

"SEC. 2304. ADMINISTRATIVE PROVISIONS.

''(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

''(b) AUTHORITY TO CONTRACT.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

''(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

''(d) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

"SEC. 2305. STAFF.

''(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

''(b) APPOINTMENT OF EMPLOYEES.—The Director shall have authority to—

''(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

''(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to 3 employees notwithstanding any other provision of law; and

''(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

"SEC. 2306. INSURANCE FOR MUSEUM.

''The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

"SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY; TAX TREATMENT.

''The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

"SEC. 2308. ANNUAL REPORT.

''The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

''(1) An accounting of all financial transactions involving donated funds.

''(2) A description of the extent to which the objectives of this chapter are being met.

''(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

''(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

"SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

''Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

"SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

''To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.''.

The CHAIRMAN. 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.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. REGULA) having assumed the chair, Mr. LATOURETTE, 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. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 18, as follows:

[Roll No. 454]

YEAS—415

Abercrombie	Brown (FL)	DeFazio
Ackerman	Brown (OH)	DeGette
Aderholt	Bryant	Delahunt
Allen	Burr	DeLauro
Archer	Burton	DeLay
Armey	Buyer	DeMint
Baca	Callahan	Deutsch
Bachus	Calvert	Diaz-Balart
Baird	Camp	Dickey
Baker	Campbell	Dicks
Baldacci	Canady	Dingell
Baldwin	Cannon	Dixon
Ballenger	Capps	Doggett
Barcia	Capuano	Dooley
Barr	Cardin	Doolittle
Barrett (NE)	Carson	Doyle
Barrett (WI)	Castle	Dreier
Bartlett	Chabot	Duncan
Bass	Chambliss	Dunn
Bateman	Chenoweth-Hage	Edwards
Becerra	Clay	Ehlers
Bentsen	Clayton	Ehrlich
Bereuter	Clement	Emerson
Berkley	Clyburn	English
Berman	Coble	Eshoo
Berry	Coburn	Etheridge
Biggert	Collins	Evans
Bilbray	Combest	Ewing
Bilirakis	Condit	Farr
Bishop	Conyers	Fattah
Blagojevich	Cook	Filner
Bliley	Cooksey	Fletcher
Blumenauer	Costello	Foley
Blunt	Cox	Forbes
Boehlert	Coyne	Ford
Boehner	Cramer	Fossella
Bonilla	Crane	Fowler
Bonior	Crowley	Frank (MA)
Bono	Cummings	Franks (NJ)
Borski	Cunningham	Frelinghuysen
Boswell	Danner	Frost
Boucher	Davis (FL)	Gallegly
Boyd	Davis (IL)	Ganske
Brady (PA)	Davis (VA)	Gejdenson
Brady (TX)	Deal	Gekas

Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Andrews
Barton
Cubin
Engel
Everett
Herger
Jefferson
Jones (OH)
Kaptur
Klink
Lazio
McCollum
McIntosh
Owens
Rangel
Towns
Vento
Young (AK)

□ 1129

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 4678, CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 566 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4678) to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Scott of Virginia or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); 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 566 is a modified closed rule providing for consideration of the Child Support Distribution Act of 2000. The rule provides for one hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill.

The rule also provides that the Committee on Ways and Means substitute, as modified by the amendment printed in Part A of the Committee on Rules report, shall be an original bill for the purpose of further amendment.

The amendment in Part A addresses the concerns expressed by several of our Members by giving States the option of paying child support that is currently retained by the State and Federal Government to mothers on welfare. This will give States the option of making payments on the obligations that accrued before 1997 to the families as opposed to the government keeping the money.

The amendment also lists several specific activities that fatherhood projects may include to promote and sustain marriage.

The rule also provides for consideration of the amendment printed in Part B of the Committee on Rules report if offered by the gentleman from Virginia (Mr. SCOTT) or his designee, which shall be considered as read and shall be debatable for 10 minutes. All points of order against the Scott amendment are waived.

Finally, Mr. Speaker, the rule provides another chance to amend the bill through one motion to recommit with or without instructions.

Mr. Speaker, since Congress enacted the historic welfare reform in 1996, 6 million families have moved off the welfare rolls and into jobs that provide the satisfaction of self-sufficiency and personal responsibility. Today we have the lowest number of families on welfare since 1970.

While we celebrate this success, we understand that that transition from welfare to work is not necessarily easy. Many of these families rely on a single parent to hold things together and provide for all of their needs. For those of us who have raised children with the help and support of a spouse, it is hard to fathom the energy, patience, and stamina required to take on such a task alone. Every bit of help makes a difference to these struggling families.

The least the government can do is help these parents collect all of the child support that is rightfully theirs.

The Child Support Distribution Act would ensure that, when a family is off welfare, all rights to child support, including payments on past due support, would be assigned to that family. This would require States to hold off on collecting any past due child support that it has a right to until the family is completely repaid. In addition, when a family is on welfare, States will have

the option of sharing collections with the family.

The goal is to facilitate a relationship between the mother who is often the recipient of this support and the father who is often paying it, before the mother leaves welfare and does not have the State intervening in her behalf.

Of course the right to child support means little to a family if child support orders are not enforced. That is why this legislation seeks to improve enforcement by requiring the Department of Health and Human Services to provide guidelines for child support enforcement and issue a report on private companies involved in child support collection. Based on this information, Health and Human Services will set up 13 State demonstration programs designed to improve enforcement.

In addition, this bill cracks down on deadbeat parents by denying passports to individuals responsible for past due support and expanding the tax refund intercept program so that it can be used to collect past due support.

Mr. Speaker, while we seek to assist these families by making sure they get the money they are owed, we should also focus on the circumstances that have led to their dependency on government and the other social challenges that they face. There is no doubt that this is more difficult for single parent families to achieve financial security than for two-parent households.

In addition, kids who have only one parent to rely on have a harder time in school, a lower rate of graduation, a greater propensity towards crime, an increased likelihood of becoming a single parent themselves, and a higher chance of ending up on welfare.

That is why the Child Support Distribution Act includes a fatherhood grant program that seeks to build stronger families by promoting marriage, encouraging the payment of child support, and boosting fathers' income so that they can do a better job as providers for their children.

The bill encourages local efforts to help fathers by requiring that 75 percent of the funding be given to nongovernmental community-based organizations including faith-based institutions. In addition, a national clearinghouse of information about fatherhood programs and a multi-city fatherhood demonstration project would be established.

The fact is that we are not sure what the best way is to get fathers back into the picture and engaged in their children's upbringing. But we think some community-based organizations might have some good ideas that would meet the unique needs of the fathers in their own cities and towns. This fatherhood program is designed to try to tap into these communities, try some new things, and then scientifically evaluate the results so that good programs can be duplicated.

Mr. Speaker, all said, this legislation takes a number of important steps forward in our Nation's efforts to redefine welfare and make it work for families.

I want to thank and congratulate the gentlewoman from Connecticut (Mrs. JOHNSON) who authored this important legislation. I hope all of my colleagues will support the rule and our Nation's neediest families by voting for the Child Support Distribution Act. I urge a yes vote on the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a modified closed rule providing for the consideration of H.R. 4678, the Child Support Distribution Act of 2000. This rule makes in order one amendment to be offered by the gentleman from Virginia (Mr. SCOTT) and provides that a further amendment, which has been developed by both the majority and the minority of the Committee on Ways and Means, shall be considered as adopted upon passage of the rule.

While the Democratic members of the Committee on Rules normally do not support rules which limit the amendments which may be offered to legislation, in this instance, we will not object to the rule reported by the majority.

Mr. Speaker, H.R. 4678 is an important proposal developed on a bipartisan basis by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN). This bill makes important changes in the distribution of child support payments collected by the States on behalf of current and former welfare recipients.

This change would allow families to keep all arrears collected by the State that accrued before and after a family went on welfare rather than the 50 percent allowed by current law.

The bill also establishes a fatherhood grant program that would fund public and private fatherhood programs that seek to promote marriage, successful parenting, and better jobs for poor fathers.

The rule makes in order an amendment that will be offered by the gentleman from Virginia (Mr. SCOTT) which has been included in previous legislation to make clear that any eligible entity cannot subject a participant to sectarian worship, instruction, or proselytization, clarifies that eligible recipients of these funds are in receipt of Federal financial assistance, and, finally, closes the loophole in welfare reform that allows discrimination against beneficiaries when another standing law permits it.

Mr. Speaker, this is worthy legislation that deserves consideration by the House, and I urge my colleagues to adopt this rule so that we may proceed to the debate on H.R. 4678.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I am a strong supporter of this excellent bipartisan legislation, H.R. 4678. I want to commend the gentleman from Maryland (Mr. CARDIN), the ranking member, for his work on this important issue. I want to especially congratulate the gentlewoman from Connecticut (Mrs. JOHNSON) who has been a relentless and effective fighter for child support issues.

I am very proud to be a small part of this excellent legislation and which proves that legislation of substance can be bipartisan.

I rise today in strong support of H.R. 4678, the Child Support Distribution Act of 2000 and in support of the work of Chairwoman JOHNSON in assuring that our children receive the child support that they deserve.

Too many defenseless children are victimized by parents who do not support their children. Think of it: our most important resource—our nation's children—are often left without food or the basic necessities they need due to their parents' refusal to support them. These children, hungry and without money for support, are then forced to turn to the government for assistance when they are abandoned by their non-custodial parents.

There are two types of child support payments: current support and past due support, or arrearages. H.R. 4678 primarily deals with arrearages and the question of who keeps the collections: the family or the government. Previously, when a family left welfare, the government was able to retain all payments on past due support. The 1996 welfare reform law required the government to split the arrearages with the family. Due to the overwhelming number of families who have since left welfare to work, this legislation now will require that the other half be paid to the families. This way, the maximum amount of child support payments will be going directly to a family for their support. If a family is still on welfare, a state has the option to share collections with the family.

However, while H.R. 4678 provides for simplified rules for the review, collection and enforcement of support orders, I wish that we could have gone further. I believe that the duty of paying child support to one's child is as important as the duty to one's country to pay taxes. I introduced legislation this Congress, H.R. 1488, that would require the IRS to collect child support in the same manner that taxes are collected. The child support collected would then be disbursed to the custodial parent with penalties and interest if appropriate. This approach is not possible at this time. H.R. 4678 is a good step in the right direction. It improves our current system of enforcement and distribution to those who need

it the most, while promoting financial and personal responsibility. This ultimately curbs welfare dependency.

This vote is a vote for our children. Every child deserves to be supported, and this is Congress' chance to pass a law that will be for the kids' sake.

I'd like to congratulate Chairwoman JOHNSON and Ranking Member CARDIN for their leadership and dedication to this issue, and I urge my colleagues to support this important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I would like to thank the Committee on Rules for making one of my two amendments in order. The first amendment that was made in order allows us to consider the question of proselytization, Federal assistance, and discrimination against beneficiaries in one of the provisions of the bill.

The bill, as it is written, allows Federal funds to be used to essentially subject the program participants to proselytization. That is wrong, and that is why the amendment should be in order, and it is in order. It also provides that the receipt of Federal funds will bring with it the civil rights attachments. The bill as it now stands is silent on that. It also prohibits on any circumstance discrimination against beneficiaries based on religion.

All of those amendments should be adopted. One amendment that I had offered that was not found in order would prohibit the discrimination based on religion by the program. We have a situation where the programs now may discriminate based on religion against perspective employees.

I would like to read, Mr. Speaker, a part of a letter from the Religious Action Center of Reform Judaism, which says that ''charitable choice language will permit religious institutions that receive government funds to discriminate in their employment on the basis of religion. This amounts to federally funded employment discrimination and allows religious organizations to exclude people of different faith from government funded programs.''

Mr. Speaker, that is obviously wrong, and we ought to be able to address that. We will be addressing it in the motion to recommit. Because all of these issues will be allowed under the rule as presented, I will not oppose the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

□ 1145

Mr. NADLER. Mr. Speaker, this is a very good bill to improve child support collections and to assert the priority of giving child support collections to the custodial parent, the mother usually, rather than to the States, as at present. That is a very good thing to do, and I applaud the sponsors of the bill.

I do think there is one defect in the bill, which could be very much improved by the amendment to be offered by the gentleman from Virginia (Mr. SCOTT), and I rise in support of that amendment.

No one opposes the participation of religious institutions in this or any other program. In fact, currently, many religious organizations, including Catholic Charities, Protestant Welfare Services, and so forth, play a vital role in the delivery of these services. The problem is not their participation; the problem is allowing a taxpayer-funded program to be restricted, as the language in this bill would currently do; allowing a taxpayer-funded program to be restricted to members of only a particular religion or forcing an unwilling participant to participate in a religious activity or to be subject to proselytization in order to receive taxpayer-funded services. As presently drafted, this bill would allow that, and that is a real defect.

We should respect the religious beliefs of every American. That is what religious liberty is all about. We should never ask anyone to lay aside his or her beliefs in order to receive taxpayer-funded services. The Government has no business subsidizing religious intolerance or discrimination in any form.

So when it comes up for consideration, I urge my colleagues to support the Scott amendment, which would simply clarify that none of the funds in these programs be used in a way which would discriminate against any American on the basis of religion. It would harmonize this bill with the spirit of the first amendment and with the spirit of our civil rights laws and would make this bill, if not a perfect bill, then as close to a perfect bill as we are likely to see.

So I urge my colleagues to support the Scott amendment and then to vote for the bill.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume to once again tell my colleagues that this is a fair rule that allows the House to debate important legislation to continue the success of welfare reform.

The rule should not be controversial, as it accommodates many of our colleagues who had concerns about the legislation by incorporating their ideas into either the part A amendment adopted under this resolution or through consideration of the part B amendment to be offered by the gentleman from Virginia (Mr. SCOTT).

In addition, I would remind my colleagues that the House has already worked its will in a large portion of this bill. H.R. 4678 includes the Fathers Count Act, which the House overwhelmingly passed in November by a bipartisan vote of 328 to 93.

Mr. Speaker, this legislation strengthens family by giving more single parents and children the financial assistance they are owed and by encouraging fathers to be responsible parents and play a greater role in their children's lives. Through this legislation we are increasing the odds for families who are struggling every day to make ends meet and we are helping impoverished children have a better chance of success in school and society by encouraging both parents to become involved in their upbringing.

I hope that my colleagues will support this attempt to provide more families with the pride of financial self-sufficiency, security, and dignity and vote for the children who need the strength of both parents to help them make better lives for themselves. I urge a ''yes'' vote on the rule and the bill.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AMENDMENT IN LIEU OF PART A AMENDMENT PRINTED IN HOUSE REPORT 106–798 TO H.R. 4678, CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4678, pursuant to House Resolution 566, the amendment recommended by the Committee on Ways and Means now printed in the bill be modified by the amendment that the gentlewoman from Connecticut (Mrs. JOHNSON) has placed at the desk in lieu of the amendment printed in part A of House Report 106–798; and that the amendment she has placed at the desk be considered as read.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Ohio (Ms. PRYCE)?

There was no objection.

The text of the amendment is as follows:

Page 7, line 25, strike the close quotation marks and the following period.

Page 7, after line 25, insert the following:

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

''(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that—

''(I) the State pays the amount to the family; and

''(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

''(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.''.

Page 9, after line 9, insert the following:

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by striking ''shall'' and inserting ''may''.

Page 9, line 10, strike ''(d)'' and insert ''(e)''.

Page 9, line 22, strike ''section 457(a)(2)(B)(i)'' and insert ''clause (i) or (ii) of section 457(a)(2)(B)''.

Page 10, line 1, strike ''(e)'' and insert ''(f)''.

Page 10, beginning on line 9, strike ''section 457(a)(2)(B)(i)'' and insert ''clause (i) or (ii) of section 457(a)(2)(B)''.

Page 13, line 16, strike ''The'' and insert ''Not later than October 1, 2001, the''.

Page 15, strike lines 20 through 24 and insert the following:

States that had a public non-IV–D child support enforcement agency as of January 1, 2000.

Page 19, line 13, strike ''related to information-sharing''.

Page 25, strike lines 13 through 18 and insert the following:

''(1) promote marriage through such activities as—

''(A) counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, disseminating information on the causes and treatment of domestic violence and child abuse, and other methods; and

''(B) sustaining marriages through marriage preparation programs, premarital counseling, and marital inventories, and through divorce education and reduction programs, including mediation and counseling;

Page 25, line 19, insert ''such activities as'' after ''through''.

Page 25, line 21, strike the comma.

Page 26, line 4, insert ''such activities as'' after ''viding''.

Page 27, line 5, strike ''or''.

Page 27, line 7, strike the period and insert ''; or''.

Page 27, after line 7, insert the following:

''(iv) at risk of parenthood outside marriage, but not more than 25 percent of the participants in the project may qualify for participation under this clause.

Page 28, strike lines 4 and 5 and insert the following:

stances, and information about sexually transmitted diseases and their transmission, including HIV/AIDS and human papillomavirus (HPV).

Page 33, after line 6, insert the following:

''(i) to the extent that the application submitted by the entity sets forth clear and practical methods to encourage and sustain marriage;

Page 33, line 7, strike ''(i)'' and insert ''(ii)''.

Page 33, line 23, strike ''schedule or'' and insert ''schedule,''.

Page 33, line 24, strike ''(unless'' and insert '', or marrying the mother of his children, unless''.

Page 34, line 2, strike the close parenthesis.

Page 34, line 12, strike ''(ii)'' and insert ''(iii)''.

Page 35, line 1, strike ''(iii)'' and insert ''(iv)''.

Page 35, line 6, strike ''(iv)'' and insert ''(v)''.

Page 46, line 27, strike the period and insert ''; and''.

Page 46, after line 27, insert the following:

''(E) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that provide information on domestic violence and child abuse prevention and treatment.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, pursuant to House Resolution 566, I call up the bill (H.R. 4678) to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and the distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 566, the bill is considered read for amendment.

The text of H.R. 4678 is as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Support Distribution Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

Sec. 101. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

Sec. 201. Mandatory review and modification of child support orders for TANF recipients.

TITLE III—EXPANDED INFORMATION AND ENFORCEMENT

Sec. 301. Guidelines for involvement of public non-IV–D and private agencies in child support enforcement.

Subtitle A—State Option to Provide Information and Enforcement Mechanisms to Public Non-IV–D Child Support Enforcement Agencies

Sec. 311. Establishment and enforcement of child support obligations by public non-IV–D child support enforcement agencies.

Sec. 312. Use of certain enforcement mechanisms.

Sec. 313. Effective date.

Subtitle B—State Option to Provide Information and Enforcement Mechanisms to Private Child Support Enforcement Agencies

Sec. 321. Establishment and enforcement of child support obligations by private child support enforcement agencies.

Sec. 322. Use of certain enforcement mechanisms.

Sec. 323. Effective date.

TITLE IV—EXPANDED ENFORCEMENT

Sec. 401. Decrease in amount of child support arrearage triggering passport denial.

Sec. 402. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

Sec. 501. Fatherhood grants.

Subtitle B—Fatherhood Projects of National Significance

Sec. 511. Fatherhood projects of national significance.

TITLE VI—MISCELLANEOUS

Sec. 601. Change dates for abstinence evaluation.

Sec. 602. Report on undistributed child support payments.

Sec. 603. Use of new hire information to assist in administration of unemployment compensation programs.

Sec. 604. Immigration provisions.

Sec. 605. Correction of errors in conforming amendments in the Welfare-To-Work and Child Support Amendments of 1999.

Sec. 606. Elimination of set-aside of welfare-to-work funds for successful performance bonus.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

SEC. 101. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have or acquire (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person for any period for which the family receives assistance under the program, in an amount equal to the lesser of—

''(A) the number of months for which the family receives or has received assistance from the State (within the meaning of section 457) and for which there is in effect a support order on behalf of the family member or such other person, multiplied by the amount of monthly support awarded by the order; or

''(B) the total amount of assistance so provided to the family.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) of such Act (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both. For purposes of section 455, any such payment from the grant made to the State under section 403(a) shall be considered an amount expended for the operation of the plan approved under section 454.''.

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2001, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) of such Act (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(3) CONVERSION OF PERMANENTLY ASSIGNED CHILD SUPPORT OBLIGATIONS.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by inserting ''until October 1, 2007 (or such earlier date as the State may select)'' before the period.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 of such Act (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(3) by inserting after paragraph (33) the following:

''(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) of such Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)(B)(ii)''.

(2) Section 404(a) of such Act (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(3) Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to section 457(a)(2)(B)(i), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before October 1, 2005.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

SEC. 201. MANDATORY REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS FOR TANF RECIPIENTS.

(a) REVIEW EVERY 3 YEARS.—Section 466(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking ''or,'' and inserting ''or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) REVIEW UPON LEAVING TANF.—

(1) NOTICE OF CERTAIN FAMILIES LEAVING TANF.—Section 402(a) of such Act (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION THAT THE CHILD SUPPORT ENFORCEMENT PROGRAM WILL BE PROVIDED NOTICE OF CERTAN FAMILIES LEAVING TANF PROGRAM.—A certification by the chief executive officer of the State that the State has established procedures to ensure that the State agency administering the child support enforcement program under the State plan approved under part D will be provided notice of the impending discontinuation of assistance to an individual under the State program funded under this part if the individual has custody of a child whose other parent is alive and not living at home with the child.''.

(2) REVIEW.—Section 466(a)(10) of such Act (42 U.S.C. 666(a)(10)) is amended—

(A) in the paragraph heading, by striking ''UPON REQUEST'';

(B) in subparagraph (C), by striking ''this paragraph'' and inserting ''subparagraph (A) or (B)''; and

(C) by adding at the end the following:

''(D) REVIEW UPON LEAVING TANF.—On receipt of a notice issued pursuant to section 402(a)(8), the State child support enforcement agency shall—

''(i) examine the case file involved;

''(ii) determine what actions (if any) are needed to locate any noncustodial parent, establish paternity or a support order, or enforce a support order in the case;

''(iii) immediately take the actions; and

''(iv) if there is a support order in the case which the State has not reviewed during the 1-year period ending with receipt of the notice, notwithstanding subparagraph (B), review and, if appropriate, adjust the order in accordance with subparagraph (A).''.

TITLE III—EXPANDED INFORMATION AND ENFORCEMENT

SEC. 301. GUIDELINES FOR INVOLVEMENT OF PUBLIC NON-IV–D AND PRIVATE AGENCIES IN CHILD SUPPORT ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with States (as defined for purposes of part D of title IV of the Social Security Act), local governments, and individuals or companies knowledgable about involving entities, other than State agencies operating child support enforcement programs under such part, in child support enforcement, shall develop separate sets of recommendations which address the participation of public non-IV–D child support enforcement agencies (as defined in section 466(h) of such Act) and private child support enforcement agencies (as defined in section 466(i) of such Act) in child support enforcement pursuant to the amendments made by this title. The matters addressed by the recommendations shall include substantive and procedural rules which should be followed with respect to privacy safeguards, data security, due process rights, administrative compatibility with State and Federal automated systems, eligibility requirements (such as registration, licensing, and posting of bonds) for access to information and use of enforcement mechanisms, recovery of costs by charging fees, and penalties for violations of the rules.

(b) ISSUANCE OF REPORT.—Not later than October 1, 2001, the Secretary of Health and Human Services shall issue to the general public a written report containing the separate sets of recommendations required by subsection (a).

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

Subtitle A—State Option to Provide Information and Enforcement Mechanisms to Public Non-IV–D Child Support Enforcement Agencies

SEC. 311. ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PUBLIC NON-IV–D CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) STATE PLAN REQUIREMENTS.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by section 101(c) of this Act, is amended—

(1) in paragraph (33), by striking ''and'' at the end;

(2) in paragraph (34), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (34) the following:

''(35) at the option of the State, provide that—

''(A) subject to the privacy safeguards of paragraph (26), the State agency responsible for administering the State plan under this part may provide to a public non-IV–D child support enforcement agency (as defined in section 466(h)) all information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) about an individual with respect to whom the public agency is seeking to establish or enforce a child support obligation, if the public agency meets such requirements as the State may establish and has entered into an agreement with the State under which the public agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

''(B) the State agency may charge and collect fees from any such public agency to recover costs incurred by the State agency in providing information and services to the public agency pursuant to this part.''.

(b) PUBLIC NON-IV–D CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—Section 466 of such Act (42 U.S.C. 666) is amended by adding at the end the following:

''(h) PUBLIC NON-IV–D CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—In this part, the term 'public non-IV–D child support enforcement agency' means an agency, of a political subdivision of a State, which is principally responsible for the operation of a child support registry or for the establishment or enforcement of an obligation to pay child support (as defined in section 459(i)(2)) other than pursuant to the State plan approved under this part.''.

SEC. 312. USE OF CERTAIN ENFORCEMENT MECHANISMS.

(a) FEDERAL TAX REFUND INTERCEPT.—

(1) ADDITIONAL STATE PLAN REQUIREMENT.—Section 454(35) of the Social Security Act, as added by section 311(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(2) by adding at the end the following:

''(C) the State agency may transmit to the Secretary of the Treasury pursuant to section 464 a notice submitted by a public non-IV–D child support enforcement agency (in such form and manner as the State agency may prescribe) that a named individual owes past-due child support (as defined in section 464(c)) which the public agency has agreed to collect, and may collect from the public agency any fee which the State is required to pay for the cost of applying the offset procedure in the case.''.

(2) CONFORMING AMENDMENTS.—Section 464 of such Act (42 U.S.C. 664) is amended—

(A) in subsection (a)(2)(A)—

(i) in the 1st sentence, by striking '', and that the State agency'' and inserting ''or which a public non-IV–D child support enforcement agency in the State has agreed to collect, and that the State agency (or the public non-IV–D child support enforcement agency)''; and

(ii) in the 2nd sentence, by striking ''he'' and inserting ''the Secretary of the Treasury''; and

(B) in subsection (a)(3)(A)—

(i) in the 1st sentence, by inserting ''(or, in the case the State is acting on behalf of a public non-IV–D child support enforcement agency, the public non-IV–D child support enforcement agency)'' after ''the State''; and

(ii) in the 2nd sentence, by inserting ''(or, as applicable, the public non-IV–D child support enforcement agency's)'' after ''State's''.

(b) REPORTING ARREARAGES TO CREDIT BUREAUS.—Section 466(a)(7)(A) of such Act (42 U.S.C. 666(a)(7)(A)) is amended by inserting '', and allowing the State to include in the report similar information provided (in such form and manner as the State agency may prescribe) by a public non-IV–D child support enforcement agency'' before the period.

(c) PASSPORT SANCTIONS.—Section 454(31) of such Act (42 U.S.C. 654(31)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by adding ''and'' at the end of subparagraph (B); and

(3) by adding at the end the following:

''(C) the State agency may include in the certification any such determination, notice of which is provided to the State agency (in such form and manner as the State agency may require) by a public non-IV–D child support enforcement agency;''.

(d) FINANCIAL INSTITUTION DATA MATCHES.—

(1) IN GENERAL.—Section 466(a)(17) of such Act (42 U.S.C. 666(a)(17)) is amended by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) COORDINATION WITH PUBLIC NON-IV–D CHILD SUPPORT ENFORCEMENT AGENCIES.—The identifying information described in subparagraph (A)(i) which is provided by the State may include any such identifying information that is provided to the State agency by a public non-IV–D child support enforcement agency in such form and manner as the State agency may require.''.

(2) LIABILITY PROTECTIONS.—Section 469A(d) of such Act (42 U.S.C. 669a(d)) is amended by adding at the end the following:

''(3) STATE CHILD SUPPORT ENFORCEMENT AGENCY.—The term 'State child support enforcement agency' includes, with respect to a financial record of an individual, a public non-IV–D child support enforcement agency if the public agency is seeking to establish or enforce a child support obligation with respect to the individual pursuant to an agreement described in section 454(35)(A).''.

(e) USE OF INCOME WITHHOLDING FOR UNEMPLOYMENT INSURANCE BENEFITS.—

(1) DISCLOSURE OF WAGE INFORMATION.—Section 303(e)(1) of such Act (42 U.S.C. 503(e)(1)) is amended by striking the second sentence and inserting the following:

''For purposes of this subsection, the term 'child support obligations' means obligations to pay child support (as defined in section 459(i)(2) of the Social Security Act).''.

(2) AUTHORITY TO WITHHOLD.—Section 303(e)(2)(A) of such Act (42 U.S.C. 503(e)(2)(A)) is amended—

(A) in clause (i), by inserting ''and the identity and location of the State or local child support enforcement agency enforcing the obligations (to the extent known)'' before the comma;

(B) in clause (iii)(III), by striking ''462(e)'' and inserting ''459(i)(5)''; and

(C) in the matter following clause (iv), by striking ''his'' and inserting ''the individual's''.

(3) CONFORMING AMENDMENT.—Section 303(e)(4) of such Act (42 U.S.C. 503(e)(4)) is amended by striking ''the last sentence of paragraph (1)'' and inserting ''section 454 which has been approved by the Secretary of Health and Human Services under part D of title IV or pursuant to an agreement described in section 454(35)(A)''.

SEC. 313. EFFECTIVE DATE.

Except as provided in section 701(b), the amendments made by this subtitle shall take effect on October 1, 2002, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

Subtitle B—State Option To Provide Information and Enforcement Mechanisms to Private Child Support Enforcement Agencies

SEC. 321. ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PRIVATE CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) STATE PLAN REQUIREMENTS.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by sections 101(c), 311(a), and 312(a)(1) of this Act, is amended—

(1) in paragraph (34), by striking ''and'' at the end;

(2) in paragraph (35), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (35) the following:

''(36) at the option of the State, provide that—

''(A) subject to the privacy safeguards of paragraph (26), the State agency responsible for administering the State plan under this part may provide to a private child support enforcement agency (as defined in section 466(i)) any information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) about an individual with respect to whom the private agency is seeking to establish or enforce a child support obligation, if the private agency meets such requirements as the State may establish and has entered into an agreement with the State under which the private agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

''(B) the State agency may charge and collect fees from any such private agency to recover costs incurred by the State agency in providing information and services to the private agency pursuant to this part.''.

(b) PRIVATE CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—Section 466 of such Act (42 U.S.C. 666), as amended by section 311(b) of this Act, is amended by adding at the end the following:

''(i) PRIVATE CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—In this part, the term 'private child support enforcement agency' means a person or any other non-public entity which seeks to establish or enforce an obligation to pay child support (as defined in section 459(i)(2)).''.

SEC. 322. USE OF CERTAIN ENFORCEMENT MECHANISMS.

(a) FEDERAL TAX REFUND INTERCEPT.—

(1) ADDITIONAL STATE PLAN REQUIREMENT.—Section 454(36) of the Social Security Act, as added by section 321(a) of this Act, is amended—

(A) by striking the period at the end of subparagraph (A) and inserting ''; and''; and

(B) by adding at the end the following:

''(C) the State agency may transmit to the Secretary of the Treasury pursuant to section 464 any notice submitted by a private child support enforcement agency (in such form and manner as the State agency may prescribe) that a named individual owes past-due child support (as defined in section 464(c)) which the private agency has agreed to collect, and may collect from the private agency any fee which the State is required to pay for the cost of applying the offset procedure in the case.''.

(2) CONFORMING AMENDMENTS.—Section 464(a) of such Act (42 U.S.C. 664(a)), as amended by section 312(a)(2) of this Act, is amended by inserting ''(or private)'' after ''public non-IV–D'' each place it appears.

(b) REPORTING ARREARAGES TO CREDIT BUREAUS.—Section 466(a)(7)(A) of such Act (42 U.S.C. 666(a)(7)(A)), as amended by section 312(b) of this Act, is amended by inserting ''(or private)'' after ''public non-IV–D''.

(c) PASSPORT SANCTIONS.—Section 454(31)(C) of such Act (42 U.S.C. 654(31)), as amended by section 312(c) of this Act, is amended by inserting ''(or private)'' after ''public non-IV–D''.

(d) FINANCIAL INSTITUTION DATA MATCHES.—

(1) IN GENERAL.—Section 466(a)(17)(D) of such Act, as added by section 311(d) of this Act, is amended by inserting ''(or private)'' after ''public non-IV–D''.

(2) LIABILITY PROTECTIONS.—Section 469A(d)(3) of such Act, as added by section 312(d)(2) of this Act, is amended—

(A) by inserting ''(or private)'' after ''public non-IV–D'';

(B) by inserting ''(or private) after ''the public'' each place it appears; and

(C) by inserting ''(or 454(36)(A))'' before the period.

(e) USE OF INCOME WITHHOLDING FOR UNEMPLOYMENT INSURANCE BENEFITS.—Section 303(e)(4) of such Act (42 U.S.C. 503(e)(4)), as amended by section 312(e)(3) of this Act, is amended by inserting '', and includes a private child support enforcement agency (as defined in section 466(i)) with respect to an individual who is an applicant for, or who is determined to be eligible for unemployment compensation if the State in which the private child support enforcement agency is located confirms that the private child support enforcement agency is seeking to establish, modify, or enforce a child support obligation of the individual pursuant to an agreement described in section 454(36)(A)'' before the period.

SEC. 323. EFFECTIVE DATE.

Except as provided in section 801(b), the amendments made by this subtitle shall take effect on October 1, 2003, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

TITLE IV—EXPANDED ENFORCEMENT

SEC. 401. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) of the Social Security Act (42 U.S.C. 652(k)) is amended by striking ''$5,000'' and inserting ''$2,500''.

SEC. 402. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

SEC. 501. FATHERHOOD GRANTS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is amended by inserting after section 403 the following:

''SEC. 403A. FATHERHOOD PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to make grants available to public and private entities for projects designed to—

''(1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, and other methods;

''(2) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices including prepregnancy, family planning, training parents in money management, encouraging child support payments, encouraging regular visitation between fathers and their children, and other methods; and

''(3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

''(b) FATHERHOOD GRANTS.—

''(1) APPLICATIONS.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

''(A) A description of the project and how the project will be carried out.

''(B) A description of how the project will address all three of the purposes of this section.

''(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

''(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

''(ii) a father, including an expectant or married father, whose income (net of court-ordered child support) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); or

''(iii) a parent referred to in paragraph (3)(A)(iii).

''(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources, amounts (including in-kind contributions) equal in value to—

''(i) 20 percent of the amount of any grant made to the entity under this subsection; or

''(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

''(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about alcohol, tobacco, and other drugs and the effects of abusing such substances, and information about HIV/AIDS and its transmission.

''(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANEL.—

''(A) ESTABLISHMENT.—There is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(I) Two members of the Panel shall be appointed by the Secretary.

''(II) Two members of the Panel shall be appointed by the Secretary of Labor.

''(III) Two members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(IV) One member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

''(V) Two members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

''(VI) One member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

''(ii) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, or program research.

''(iii) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(iv) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than April 1, 2001.

''(C) DUTIES.—

''(i) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(ii) TIMING.—The Panel shall make such recommendations not later than October 1, 2001.

''(D) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(E) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(F) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(G) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(H) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(I) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this paragraph.

''(J) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(K) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(L) TERMINATION.—The Panel shall terminate on October 1, 2001.

''(3) RULES GOVERNING GRANTS.—

''(A) GRANT AWARDS.—

''(i) IN GENERAL.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

''(ii) TIMING.—On October 1, 2001, the Secretary shall award not more than $140,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(C)(i).

''(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.

''(B) PREFERENCES.—In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity—

''(i) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

''(I) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule or living with his children;

''(II) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating; and

''(III) helping fathers arrange and maintain a consistent schedule of visits with their children, unless it would be unsafe;

''(ii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, community-based domestic violence programs, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application;

''(iii) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

''(iv) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

''(C) MINIMUM PERCENTAGE OF RECIPIENTS OF GRANT FUNDS TO BE NONGOVERNMENTAL (INCLUDING FAITH-BASED) ORGANIZATIONS.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to the preferences required by subparagraph (B)) shall be awarded to—

''(i) nongovernmental (including faith-based) organizations; or

''(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

''(D) DIVERSITY OF PROJECTS.—

''(i) IN GENERAL.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

''(ii) REPORT TO THE CONGRESS.—Within 90 days after each award of grants under subparagraph (A)(ii), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projectes selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

''(E) PAYMENT OF GRANT IN FOUR EQUAL ANNUAL INSTALLMENTS.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding three fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to ¼ of the amount of the grant.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Each entity to which a grant is made under this subsection shall use grant funds provided under this subsection in accordance with the application requesting the grant, the requirements of this subsection, and the regulations prescribed under this subsection, and may use the grant funds to support community-wide initiatives to address the purposes of this section.

''(B) NONDISPLACEMENT.—

''(i) IN GENERAL.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

''(I) when any other individual is on layoff from the same or any substantially equivalent job; or

''(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

''(ii) GRIEVANCE PROCEDURE.—

''(I) IN GENERAL.—Complaints alleging violations of clause (i) in a State may be resolved—

''(aa) if the State has established a grievance procedure under section 403(a)(5)(I)(iv), pursuant to the grievance procedure; or

''(bb) otherwise, pursuant to the grievance procedure established by the State under section 407(f)(3).

''(II) FORFEITURE OF GRANT IF GRIEVANCE PROCEDURE NOT AVAILABLE.—If a complaint referred to in subclause (I) is made against an entity to which a grant has been made under this section with respect to a project, and the complaint cannot be brought to, or cannot be resolved within 90 days after being brought, by a grievance procedure referred to in subclause (I), then the entity shall immediately return to the Secretary all funds provided to the entity under this section for the project, and the Secretary shall immediately rescind the grant.

''(C) RULE OF CONSTRUCTION.—This section shall not be construed to require the participation of a father in a project funded under this section to be discontinued by the project on the basis of changed economic circumstances of the father.

''(D) RULE OF CONSTRUCTION ON MARRIAGE.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

''(E) PENALTY FOR MISUSE OF GRANT FUNDS.—If the Secretary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

''(F) REMITTANCE OF UNUSED GRANT FUNDS.—Each entity to which a grant is awarded under this subsection shall remit to

the Secretary all funds paid under the grant that remain at the end of the fifth fiscal year ending after the initial grant award.

''(5) AUTHORITY OF AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a program funded under this part or a State plan approved under part D may share the name, address, telephone number, and identifying case number information in the State program funded under this part, of fathers for purposes of assisting in determining the eligibility of fathers to participate in projects receiving grants under this section, and in contacting fathers potentially eligible to participate in the projects, subject to all applicable privacy laws.

''(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, effects of the projects on marriage, parenting, employment, earnings, and payment of child support. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conducting the evaluation, random assignment should be used wherever possible.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

''(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section. A project shall not be considered a State program funded under this part solely by reason of receipt of funds paid under this section.

''(9) FUNDING.—

''(A) IN GENERAL.—

''(i) INTERAGENCY PANEL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal year 2001, a total of $150,000 shall be made available for the interagency panel established by paragraph (2) of this subsection.

''(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2002 through 2005, a total of $140,000,000 shall be made available for grants under this subsection.

''(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2001 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

''(B) AVAILABILITY.—

''(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2006.

''(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2008.''.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting '', and for fiscal years 2001 through 2007, such sums as are necessary to carry out section 403A'' before the period.

(c) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

''(l) Notwithstanding the preceding provisions of this section, this section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a program described in subsection (a)(2).''.

Subtitle B—Fatherhood Projects of National Significance

SEC. 511. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by subtitle A of this title, is amended by adding at the end the following:

''(c) FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.—

''(1) NATIONAL CLEARINGHOUSE.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit fatherhood promotion organization with at least 4 years of experience in designing and disseminating a national public education campaign, including the production and successful placement of television, radio, and print public service announcements which promote the importance of responsible fatherhood, and with at least 4 years experience providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal, to—

''(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develope or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage;

''(B) develop a national clearinghouse to assist States, communities, and private entities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested parties, information regarding media campaigns and fatherhood programs;

''(C) develop and distribute materials that are for use by entities described in subparagraph (A) or (B) and that help young adults manage their money, develop the knowledge and skills needed to promote successful marriages, plan for future expenditures and investments, and plan for retirement;

''(D) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws.

''(2) MULTICITY FATHERHOOD PROJECTS.—

''(A) IN GENERAL.—The Secretary shall award a $5,000,000 grant to each of two nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of subparagraph (B), at least one of which organizations meets the requirement of subparagraph (C).

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (1).

''(ii) The organization must have experience in simultaneously conducting such programs in more than one major metropolitan area and in coordinating such programs with local government agencies and private, nonprofit agencies, including State or local agencies responsible for conducting the program under part D and Workfore Investment Boards.

''(iii) The organization must submit to the Secretary an application that meets all the conditions applicable to the organization under this section and that provides for projects to be conducted in three major metropolitan areas.

''(C) USE OF MARRIED COUPLES TO DELIVER SERVICES IN THE INNER CITY.—The requirement of this subparagraph is that the organization has extensive experience in using married couples to deliver program services in the inner city.

''(3) PAYMENT OF GRANTS IN FOUR EQUAL ANNUAL INSTALLMENTS.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to ¼ of the amount of the grant.

''(4) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

''(B) AVAILABILITY.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.''.

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR ABSTINENCE EVALUATION.

(a) IN GENERAL.—Section 403(a)(5)(G)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(G)(iii)), as amended by section 606(a) of this Act, is amended by striking ''2001'' and inserting ''2005''.

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)), as so amended, is amended by adding at the end the following:

''(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress a interim report on the evaluations referred to in clause (i).''.

SEC. 602. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 603. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 604. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

''(ii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

''(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

''(II) determines that there are prevailing humanitarian or public interest concerns.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

''(m) If the Secretary receives a certification by a State agency, in accordance with section 454(37), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Attorney General, or on the Secretary's own initiative, provide such certification to the Secretary of State and the Attorney General information in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.''.

(2) STATE AGENCY RESPONSIBILITY.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by sections 101(c), 311(a), 312(a)(1), 321(a), and 322(a) of this Act, is amended—

(A) by striking ''and'' at the end of paragraph (35);

(B) by striking the period at the end of paragraph (36) and inserting ''; and''; and

(C) by inserting after paragraph (36) the following:

''(37) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompained by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.''.

SEC. 605. CORRECTION OF ERRORS IN CONFORMING AMENDMENTS IN THE WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 606(a) of this Act, is amended—

(1) in subparagraph (E), by striking ''$1,500,000'' and inserting ''$15,000,000'';

(2) in subparagraph (F), by striking ''$900,000'' and inserting ''$9,000,000'';

(3) in subparagraph (G)(i), by striking ''$300,000'' and inserting ''$3,000,000''.

(b) RETROACTIVITY.—The amendments made by subsection (a) of this section shall take effect as if included in the enactment of section 806 of H.R. 3424 of the 106th Congress by section 1000(a)(4) of Public Law 106–113.

SEC. 606. ELIMINATION OF SET-ASIDE OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking ''(I)'' and inserting ''(H)''; and

(ii) by striking ''(G), and (H)'' and inserting ''and (G)''; and

(B) in item (bb), by striking ''(F)'' and inserting ''(E)''.

(3) Section 403(a)(5)(B)(v) of such Act (42 U.S.C. 603(a)(5)(B)) is amended in the matter preceding subclause (I) by striking ''(I)'' and inserting ''(H)''.

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are each amended by striking ''(I)'' and inserting ''(H)''.

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking ''403(a)(5)(I)'' and inserting ''403(a)(5)(H)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 101(e), 301(c), 313, 323, 603(b), 605(b) and 606, and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on October 1, 2001, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under section 454 of the Social Security Act which requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the additional requirements solely on the basis of the failure of the plan to meet the additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment permitted by the order of the House of today, is adopted.

The text of H.R. 4678, as amended, as modified, is as follows:

H.R. 4678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Support Distribution Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—DISTRIBUTION OF CHILD SUPPORT
Sec. 101. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.
TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS
Sec. 201. Mandatory review and modification of child support orders for TANF recipients.

TITLE III—DEMONSTRATION OF EXPANDED INFORMATION AND ENFORCEMENT

Sec. 301. Guidelines for involvement of public non-IV-D child support enforcement agencies in child support enforcement.

Sec. 302. Demonstrations involving establishment and enforcement of child support obligations by public non-IV-D child support enforcement agencies.

Sec. 303. GAO report to Congress on private child support enforcement agencies.

Sec. 304. Effective date.

TITLE IV—EXPANDED ENFORCEMENT

Sec. 401. Decrease in amount of child support arrearage triggering passport denial.

Sec. 402. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.

Sec. 403. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

Sec. 501. Fatherhood grants.

Subtitle B—Fatherhood Projects of National Significance

Sec. 511. Fatherhood projects of national significance.

TITLE VI—MISCELLANEOUS

Sec. 601. Change dates for abstinence evaluation.

Sec. 602. Report on undistributed child support payments.

Sec. 603. Use of new hire information to assist in administration of unemployment compensation programs.

Sec. 604. Immigration provisions.

Sec. 605. Correction of errors in conforming amendments in the Welfare-To-Work and Child Support Amendments of 1999.

Sec. 606. Elimination of set-aside of welfare-to-work funds for successful performance bonus.

Sec. 607. Increase in payment rate to States for expenditures for short term training of staff of certain child welfare agencies.

TITLE VII—EFFECTIVE DATE

Sec. 701. Effective date.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

SEC. 101. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so provided to the family, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) of such Act (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.''.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

''(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that—

''(I) the State pays the amount to the family; and

''(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

''(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.''.

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2001, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) of such Act (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 of such Act (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(3) by inserting after paragraph (33) the following:

''(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by striking ''shall'' and inserting ''may''.

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) of such Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''.

(2) Section 404(a) of such Act (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(3) Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before October 1, 2005.

TITLE II—REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS

SEC. 201. MANDATORY REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS FOR TANF RECIPIENTS.

(a) REVIEW EVERY 3 YEARS.—Section 466(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking ''or,'' and inserting ''or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) REVIEW UPON LEAVING TANF.—

(1) NOTICE OF CERTAIN FAMILIES LEAVING TANF.—Section 402(a) of such Act (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION THAT THE CHILD SUPPORT ENFORCEMENT PROGRAM WILL BE PROVIDED NOTICE OF CERTAN FAMILIES LEAVING TANF PROGRAM.—A certification by the chief executive officer of the State that the State has established procedures to ensure that the State agency administering the child support enforcement program under the State plan approved under part D will be provided notice of the impending discontinuation of assistance to an individual under the State program funded under this part if the individual has custody of a child whose other parent is alive and not living at home with the child.''.

(2) REVIEW.—Section 466(a)(10) of such Act (42 U.S.C. 666(a)(10)) is amended—

(A) in the paragraph heading, by striking ''UPON REQUEST'';

(B) in subparagraph (C), by striking ''this paragraph'' and inserting ''subparagraph (A) or (B)''; and

(C) by adding at the end the following:

''(D) REVIEW UPON LEAVING TANF.—On receipt of a notice issued pursuant to section 402(a)(8), the State child support enforcement agency shall—

''(i) examine the case file involved;

''(ii) determine what actions (if any) are needed to locate any noncustodial parent, establish paternity or a support order, or enforce a support order in the case;

''(iii) immediately take the actions; and

''(iv) if there is a support order in the case which the State has not reviewed during the 1-year period ending with receipt of the notice, notwithstanding subparagraph (B), review and, if appropriate, adjust the order in accordance with subparagraph (A).''.

TITLE III—DEMONSTRATIONS OF EXPANDED INFORMATION AND ENFORCEMENT

SEC. 301. GUIDELINES FOR INVOLVEMENT OF PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCIES IN CHILD SUPPORT ENFORCEMENT.

(a) IN GENERAL.—Not later than October 1, 2001, the Secretary, in consultation with States, local governments, and individuals or companies knowledgable about involving public non-IV-D child support enforcement agencies in child support enforcement, shall develop recommendations which address the participation of public non-IV-D child support enforcement agencies in the establishment and enforcement of child support obligations. The matters addressed by the recommendations shall include substantive and procedural rules which should be followed with respect to privacy safeguards, data security, due process rights, administrative compatibility with State and Federal automated systems, eligibility requirements (such as registration, licensing, and posting of bonds) for access to information and use of enforcement mechanisms, recovery of costs by charging fees, penalties for violations of the rules, treatment of collections for purposes of section 458 of such Act, and avoidance of duplication of effort.

(b) DEFINITIONS.—In this title:

(1) CHILD SUPPORT.—The term ''child support'' has the meaning given in section 459(i)(2) of the Social Security Act.

(2) PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCY.—The term ''public non-IV-D child support enforcement agency'' means an agency, of a political subdivision of a State, which is principally responsible for the operation of a child support registry or for the establishment or enforcement of an obligation to pay child support other than pursuant to the State plan approved under part D of title IV of such Act, or a clerk of court office of a political subdivision of a State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(4) STATE.—The term ''State'' shall have the meaning given in section 1101(a)(1) of the Social Security Act for purposes of part D of title IV of such Act.

SEC. 302. DEMONSTRATIONS INVOLVING ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS BY PUBLIC NON-IV-D CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) PURPOSE.—The purpose of this section is to determine the extent to which public non-IV-D child support enforcement agencies may contribute effectively to the establishment and enforcement of child support obligations.

(b) APPLICATIONS.—

(1) CONSIDERATION.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section.

(2) PREFERENCES.—In considering which applications to approve under this section, the Secretary shall give preference to applications submitted by States that had a public non-IV-D child support enforcement agency as of January 1, 2000.

(3) APPROVAL.—

(A) TIMING; LIMITATION ON NUMBER OF PROJECTS.—On July 1, 2002, the Secretary may approve not more than 10 applications for projects providing for the participation of a public non-IV-D child support enforcement agency in the establishment and enforcement of child support obligations, and, if the Secretary receives at least 5 such applications that meet such requirements as the Secretary may establish, shall approve not less than 5 such applications.

(B) REQUIREMENTS.—The Secretary may not approve an application for a project unless—

(i) the applicant and the Secretary have entered into a written agreement which addresses at a minimum, privacy safeguards, data security, due process rights, automated systems, liability, oversight, and fees, and the applicant has made a commitment to conduct the project in accordance with the written agreement and such other requirements as the Secretary may establish;

(ii) the project includes a research plan (but such plan shall not be required to use random assignment) that is focused on assessing the costs and benefits of the project; and

(iii) the project appears likely to contribute significantly to the achievement of the purpose of this title.

(c) DEMONSTRATION AUTHORITY.—On approval of an application submitted by a State under this section—

(1) the State agency responsible for administering the State plan under part D of title IV of the Social Security Act may, subject to the privacy safeguards of section 454(26) of such Act, provide to any public non-IV-D child support enforcement agency participating in the demonstration project all information in the State Directory of New Hires and any information obtained through information comparisons under section 453(j)(3) of such Act about an individual with respect to whom the public non-IV-D agency is seeking to establish or enforce a child support obligation, if the public non-IV-D agency meets such requirements as the State may establish and has entered into an agreement with the State under which the public non-IV-D agency has made a binding commitment to carry out establishment and enforcement activities with respect to the child support obligation subject to the same data security, privacy protection, and due process requirements applicable to the State agency and in accordance with procedures approved by the head of the State agency;

(2) the State agency may charge and collect fees from any such public non-IV-D agency to recover costs incurred by the State agency in providing information and services to the public non-IV-D agency under the demonstration project;

(3) if a public non-IV-D child support enforcement agency has agreed to collect past-due support (as defined in section 464(c) of such Act) owed by a named individual, and the State agency has submitted a notice to the Secretary of the Treasury pursuant to section 464 of such Act on behalf of the public non-IV-D agency, then the Secretary of the Treasury shall consider the State agency to have agreed to collect such support for purposes of such section 464, and the State agency may collect from the public non-IV-D agency any fee which the State is required to pay for the cost of applying the offset procedure in the case;

(4) for so long as a public non-IV-D child support enforcement agency is participating in the demonstration project, the public non-IV-D agency shall be considered part of the State agency for purposes of section 469A of such Act; and

(5) for so long as a public non-IV-D child support enforcement agency is participating in the demonstration project, the public non-IV-D agency shall be considered part of the State agency for purposes of section 303(e) of such Act but only with respect to any child support obligation that the public non-IV-D agency has agreed to collect.

(d) WAIVER AUTHORITY.—The Secretary may waive or vary the applicability of any provision

of section 303(e), 454(31), 464, 466(a)(7), 466(a)(17), and 469A of the Social Security Act to the extent necessary to enable the conduct of demonstration projects under this section, subject to the preservation of the data security, privacy protection, and due process requirements of part D of title IV of such Act.

(e) FEDERAL AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the demonstration projects conducted under this section for the purpose of examining and evaluating the manner in which information and enforcement tools are used by the public non-IV-D child support enforcement agencies participating in the projects.

(2) REPORT TO THE CONGRESS.—

(A) IN GENERAL.—The Comptroller General of the United States shall submit to the Congress a report on the audit required by paragraph (1).

(B) TIMING.—The report required by subparagraph (A) shall be so submitted not later than October 1, 2004.

(f) SECRETARIAL REPORT TO THE CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit to the Congress a report on the demonstration projects conducted under this section, which shall include the results of any research or evaluation conducted pursuant to this title, and shall include policy recommendations regarding the establishment and enforcement of child support obligations by the agencies involved.

(2) TIMING.—The report required by paragraph (1) shall be so submitted not later than October 1, 2005.

SEC. 303. GAO REPORT TO CONGRESS ON PRIVATE CHILD SUPPORT ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Not later than October 1, 2001, the Comptroller General of the United States shall submit to the Congress a report on the activities of private child support enforcement agencies that shall be designed to help the Congress determine whether the agencies are providing a needed service in a fair manner using accepted debt collection practices and at a reasonable fee.

(b) MATTERS TO BE ADDRESSED.—Among the matters addressed by the report required by subsection (a) shall be the following:

(1) The number of private child support enforcement agencies.

(2) The types of debt collection activities conducted by the private agencies.

(3) The fees charged by the private agencies.

(4) The methods used by the private agencies to collect fees from custodial parents.

(5) The nature and degree of cooperation the private agencies receive from State agencies responsible for administering State plans under part D of title IV of the Social Security Act.

(6) The extent to which the conduct of the private agencies is subject to State or Federal regulation, and if so, the extent to which the regulations are effectively enforced.

(7) The amount of child support owed but uncollected and changes in this amount in recent years.

(8) The average period of time required for the completion of successful enforcement actions yielding collections of past-due child support by both the child support enforcement programs operated pursuant to State plans approved under part D of title IV of the Social Security Act and, to the extent known, by private child support enforcement agencies.

(9) The types of Federal and State child support enforcement remedies and resources currently available to private child support enforcement agencies, and the types of such remedies and resources now restricted to use by State agencies administering State plans referred to in paragraph (8).

(c) PRIVATE CHILD SUPPORT ENFORCEMENT AGENCY DEFINED.—In this section, the term ''private child support enforcement agency'' means a person or any other non-public entity which seeks to establish or enforce an obligation to pay child support (as defined in section 459(i)(2) of the Social Security Act).

SEC. 304. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE IV—EXPANDED ENFORCEMENT

SEC. 401. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) of the Social Security Act (42 U.S.C. 652(k)) is amended by striking ''$5,000'' and inserting ''$2,500''.

SEC. 402. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

SEC. 403. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

Section 459(h) of the Social Security Act (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows ''Armed Forces'' and inserting a semicolon; and

(2) by adding at the end the following:

''(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

''(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.''.

TITLE V—FATHERHOOD PROGRAMS

Subtitle A—Fatherhood Grant Program

SEC. 501. FATHERHOOD GRANTS.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is amended by inserting after section 403 the following:

''SEC. 403A. FATHERHOOD PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to make grants available to public and private entities for projects designed to—

''(1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, disseminating information on the causes and treatment of domestic violence and child abuse, and other methods;

''(2) promote successful parenting through such activities as counseling, mentoring, disseminating information about good parenting practices including prepregnancy, family planning, training parents in money management, encouraging child support payments, encouraging regular visitation between fathers and their children, and other methods; and

''(3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

''(b) FATHERHOOD GRANTS.—

''(1) APPLICATIONS.—An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

''(A) A description of the project and how the project will be carried out.

''(B) A description of how the project will address all three of the purposes of this section.

''(C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is—

''(i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;

''(ii) a father, including an expectant or married father, whose income (net of court-ordered child support) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved);

''(iii) a parent referred to in paragraph (3)(A)(iii); or

''(iv) at risk of parenthood outside marriage, but not more than 25 percent of the participants in the project may qualify for participation under this clause.

''(D) A written commitment by the entity that the entity will provide for the project, from funds obtained from non-Federal sources, amounts (including in-kind contributions) equal in value to—

''(i) 20 percent of the amount of any grant made to the entity under this subsection; or

''(ii) such lesser percentage as the Secretary deems appropriate (which shall be not less than 10 percent) of such amount, if the application demonstrates that there are circumstances that limit the ability of the entity to raise funds or obtain resources.

''(E) A written commitment by the entity that the entity will make available to each individual participating in the project education about the causes of domestic violence and child abuse and local programs to prevent and treat abuse, education about alcohol, tobacco, and other drugs and the effects of abusing such substances, and information about sexually transmitted diseases and their transmission, including HIV/AIDS and human papillomavirus (HPV).

''(2) CONSIDERATION OF APPLICATIONS BY INTERAGENCY PANEL.—

''(A) ESTABLISHMENT.—There is established a panel to be known as the 'Fatherhood Grants Recommendations Panel' (in this subparagraph referred to as the 'Panel').

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The Panel shall be composed of 10 members, as follows:

''(I) Two members of the Panel shall be appointed by the Secretary.

''(II) Two members of the Panel shall be appointed by the Secretary of Labor.

''(III) Two members of the Panel shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(IV) One member of the Panel shall be appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives.

''(V) Two members of the Panel shall be appointed by the Chairman of the Committee on Finance of the Senate.

''(VI) One member of the Panel shall be appointed by the ranking minority member of the Committee on Finance of the Senate.

''(ii) QUALIFICATIONS.—An individual shall not be eligible to serve on the Panel unless the individual has experience in programs for fathers, programs for the poor, programs for children, program administration, program research, or programs of domestic violence prevention and treatment.

''(iii) CONFLICTS OF INTEREST.—An individual shall not be eligible to serve on the Panel if such service would pose a conflict of interest for the individual.

''(iv) TIMING OF APPOINTMENTS.—The appointment of members to the Panel shall be completed not later than April 1, 2001.

''(C) DUTIES.—

''(i) REVIEW AND MAKE RECOMMENDATIONS ON PROJECT APPLICATIONS.—The Panel shall review all applications submitted pursuant to paragraph (1), and make recommendations to the Secretary regarding which applicants should be awarded grants under this subsection, with due regard for the provisions of paragraph (3), but shall not recommend that a project be awarded such a grant if the application describing the project does not attempt to meet the requirement of paragraph (1)(B).

''(ii) TIMING.—The Panel shall make such recommendations not later than October 1, 2001.

''(D) TERM OF OFFICE.—Each member appointed to the Panel shall serve for the life of the Panel.

''(E) PROHIBITION ON COMPENSATION.—Members of the Panel may not receive pay, allowances, or benefits by reason of their service on the Panel.

''(F) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(G) MEETINGS.—The Panel shall meet as often as is necessary to complete the business of the Panel.

''(H) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the Secretary at the time of appointment.

''(I) STAFF OF FEDERAL AGENCIES.—The Secretary may detail any personnel of the Department of Health and Human Services and the Secretary of Labor may detail any personnel of the Department of Labor to the Panel to assist the Panel in carrying out its duties under this paragraph.

''(J) OBTAINING OFFICIAL DATA.—The Panel may secure directly from any department or agency of the United States information necessary to enable it to carry out this paragraph. On request of the Chairperson of the Panel, the head of the department or agency shall furnish that information to the Panel.

''(K) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(L) TERMINATION.—The Panel shall terminate on October 1, 2001.

''(3) RULES GOVERNING GRANTS.—

''(A) GRANT AWARDS.—

''(i) IN GENERAL.—The Secretary shall award matching grants, on a competitive basis, among entities submitting applications therefor which meet the requirements of paragraph (1), in amounts that take into account the written commitments referred to in paragraph (1)(D).

''(ii) TIMING.—On October 1, 2001, the Secretary shall award not more than $140,000,000 in matching grants after considering the recommendations submitted pursuant to paragraph (2)(C)(i).

''(iii) NONDISCRIMINATION.—The provisions of this section shall be applied and administered so as to ensure that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects awarded grants under this section on the same basis as fathers, expectant fathers, and married fathers.

''(B) PREFERENCES.—In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity—

''(i) to the extent that the application submitted by the entity sets forth clear and practical methods to encourage and sustain marriage;

''(ii) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to—

''(I) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule living with his children or marrying the mother of his children, unless the father has been convicted of a crime involving domestic violence or child abuse;

''(II) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating; and

''(III) helping fathers arrange and maintain a consistent schedule of visits with their children, unless it would be unsafe;

''(iii) to the extent that the application includes written agreements of cooperation with other private and governmental agencies, including the State or local program funded under this part, the local Workforce Investment Board, the State or local program funded under part D, community-based domestic violence programs, and the State or local program funded under part E, which should include a description of the services each such agency will provide to fathers participating in the project described in the application;

''(iv) to the extent that the application describes a project that will enroll a high percentage of project participants within 6 months before or after the birth of the child; or

''(v) to the extent that the application sets forth clear and practical methods by which fathers will be recruited to participate in the project.

''(C) MINIMUM PERCENTAGE OF RECIPIENTS OF GRANT FUNDS TO BE NONGOVERNMENTAL (INCLUDING FAITH-BASED) ORGANIZATIONS.—Not less than 75 percent of the entities awarded grants under this subsection in each fiscal year (other than entities awarded such grants pursuant to the preferences required by subparagraph (B)) shall be awarded to—

''(i) nongovernmental (including faith-based) organizations; or

''(ii) governmental organizations that pass through to organizations referred to in clause (i) at least 50 percent of the amount of the grant.

''(D) DIVERSITY OF PROJECTS.—

''(i) IN GENERAL.—In determining which entities to which to award grants under this subsection, the Secretary shall attempt to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban versus rural areas, and entities employing differing methods of achieving the purposes of this section.

''(ii) REPORT TO THE CONGRESS.—Within 90 days after each award of grants under subparagraph (A)(ii), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a brief report on the diversity of projectes selected to receive funds under the grant program. The report shall include a comparison of funding for projects located in urban areas, projects located in suburban areas, and projects located in rural areas.

''(E) PAYMENT OF GRANT IN FOUR EQUAL ANNUAL INSTALLMENTS.—During the fiscal year in which a grant is awarded under this subsection and each of the succeeding three fiscal years, the Secretary shall provide to the entity awarded the grant an amount equal to ¼ of the amount of the grant.

''(4) USE OF FUNDS.—

''(A) IN GENERAL.—Each entity to which a grant is made under this section shall use grant funds provided under this section in accordance with the application requesting the grant, the requirements of this section, and the regulations prescribed under this section, and may use grant funds to support community-wide initiatives to address the purposes of this section, but may not use grant funds for court proceedings on matters of child visitation or child custody or for legislative advocacy.

''(B) NONDISPLACEMENT.—

''(i) IN GENERAL.—An adult in a work activity described in section 407(d) which is funded, in whole or in part, by funds provided under this section shall not be employed or assigned—

''(I) when any other individual is on layoff from the same or any substantially equivalent job; or

''(II) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with such an adult.

''(ii) GRIEVANCE PROCEDURE.—

''(I) IN GENERAL.—Complaints alleging violations of clause (i) in a State may be resolved—

''(aa) if the State has established a grievance procedure under section 403(a)(5)(I)(iv), pursuant to the grievance procedure; or

''(bb) otherwise, pursuant to the grievance procedure established by the State under section 407(f)(3).

''(II) FORFEITURE OF GRANT IF GRIEVANCE PROCEDURE NOT AVAILABLE.—If a complaint referred to in subclause (I) is made against an entity to which a grant has been made under this section with respect to a project, and the complaint cannot be brought to, or cannot be resolved within 90 days after being brought, by a grievance procedure referred to in subclause (I), then the entity shall immediately return to the Secretary all funds provided to the entity under this section for the project, and the Secretary shall immediately rescind the grant.

''(C) RULE OF CONSTRUCTION.—This section shall not be construed to require the participation of a father in a project funded under this section to be discontinued by the project on the basis of changed economic circumstances of the father.

''(D) RULE OF CONSTRUCTION ON MARRIAGE.—This section shall not be construed to authorize the Secretary to define marriage for purposes of this section.

''(E) PENALTY FOR MISUSE OF GRANT FUNDS.—If the Secretary determines that an entity to which a grant is made under this subsection has used any amount of the grant in violation of subparagraph (A), the Secretary shall require the entity to remit to the Secretary an amount equal to the amount so used, plus all remaining grant funds, and the entity shall thereafter be ineligible for any grant under this subsection.

''(F) REMITTANCE OF UNUSED GRANT FUNDS.—Each entity to which a grant is awarded under this subsection shall remit to the Secretary all funds paid under the grant that remain at the end of the fifth fiscal year ending after the initial grant award.

''(5) AUTHORITY OF AGENCIES TO EXCHANGE INFORMATION.—Each agency administering a program funded under this part or a State plan approved under part D may share the name, address, telephone number, and identifying case

number information in the State program funded under this part, of fathers for purposes of assisting in determining the eligibility of fathers to participate in projects receiving grants under this section, and in contacting fathers potentially eligible to participate in the projects, subject to all applicable privacy laws.

''(6) EVALUATION.—The Secretary, in consultation with the Secretary of Labor, shall, directly or by grant, contract, or interagency agreement, conduct an evaluation of projects funded under this section (other than under subsection (c)(1)). The evaluation shall assess, among other outcomes selected by the Secretary, effects of the projects on marriage, parenting, employment, earnings, payment of child support, and incidence of domestic violence and child abuse. In selecting projects for the evaluation, the Secretary should include projects that, in the Secretary's judgment, are most likely to impact the matters described in the purposes of this section. In conducting the evaluation, random assignment should be used wherever possible.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

''(8) LIMITATION ON APPLICABILITY OF OTHER PROVISIONS OF THIS PART.—Sections 404 through 410 shall not apply to this section or to amounts paid under this section, and shall not be applied to an entity solely by reason of receipt of funds pursuant to this section. A project shall not be considered a State program funded under this part solely by reason of receipt of funds paid under this section.

''(9) FUNDING.—

''(A) IN GENERAL.—

''(i) INTERAGENCY PANEL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal year 2001, a total of $150,000 shall be made available for the interagency panel established by paragraph (2) of this subsection.

''(ii) GRANTS.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2002 through 2005, a total of $140,000,000 shall be made available for grants under this subsection.

''(iii) EVALUATION.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section for fiscal years 2001 through 2006, a total of $6,000,000 shall be made available for the evaluation required by paragraph (6) of this subsection.

''(B) AVAILABILITY.—

''(i) GRANT FUNDS.—The amounts made available pursuant to subparagraph (A)(ii) shall remain available until the end of fiscal year 2006.

''(ii) EVALUATION FUNDS.—The amounts made available pursuant to subparagraph (A)(iii) shall remain available until the end of fiscal year 2008.''.

(b) FUNDING.—Section 403(a)(1)(E) of such Act (42 U.S.C. 603(a)(1)(E)) is amended by inserting '', and for fiscal years 2001 through 2007, such sums as are necessary to carry out section 403A'' before the period.

(c) APPLICABILITY OF CHARITABLE CHOICE PROVISIONS OF WELFARE REFORM.—Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended by adding at the end the following:

''(l) Notwithstanding the preceding provisions of this section, this section shall apply to any entity to which funds have been provided under section 403A of the Social Security Act in the same manner in which this section applies to States, and, for purposes of this section, any project for which such funds are so provided shall be considered a program described in subsection (a)(2).''.

Subtitle B—Fatherhood Projects of National Significance

SEC. 511. FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.

Section 403A of the Social Security Act, as added by subtitle A of this title, is amended by adding at the end the following:

''(c) FATHERHOOD PROJECTS OF NATIONAL SIGNIFICANCE.—

''(1) NATIONAL CLEARINGHOUSE.—The Secretary shall award a $5,000,000 grant to a nationally recognized, nonprofit fatherhood promotion organization with at least 4 years of experience in designing and disseminating a national public education campaign, including the production and successful placement of television, radio, and print public service announcements which promote the importance of responsible fatherhood, and with at least 4 years experience providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal, to—

''(A) develop, promote, and distribute to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, and encourages such organizations to develop or sponsor programs that specifically address the issue of responsible fatherhood and the advantages conferred on children by marriage;

''(B) develop a national clearinghouse to assist States, communities, and private entities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to all interested parties, information regarding media campaigns and fatherhood programs;

''(C) develop and distribute materials that are for use by entities described in subparagraph (A) or (B) and that help young adults manage their money, develop the knowledge and skills needed to promote successful marriages, plan for future expenditures and investments, and plan for retirement;

''(D) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that list all the sources of public support for education and training that are available to young adults, including government spending programs as well as benefits under Federal and State tax laws; and

''(E) develop and distribute materials that are for use by entities described in subparagraphs (A) and (B) and that provide information on domestic violence and child abuse prevention and treatment.

''(2) MULTICITY FATHERHOOD PROJECTS.—

''(A) IN GENERAL.—The Secretary shall award a $5,000,000 grant to each of two nationally recognized nonprofit fatherhood promotion organizations which meet the requirements of subparagraph (B), at least one of which organizations meets the requirement of subparagraph (C).

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The organization must have several years of experience in designing and conducting programs that meet the purposes described in paragraph (1).

''(ii) The organization must have experience in simultaneously conducting such programs in more than one major metropolitan area and in coordinating such programs with local government agencies and private, nonprofit agencies, including State or local agencies responsible for conducting the program under part D and Workfore Investment Boards.

''(iii) The organization must submit to the Secretary an application that meets all the conditions applicable to the organization under this section and that provides for projects to be conducted in three major metropolitan areas.

''(C) USE OF MARRIED COUPLES TO DELIVER SERVICES IN THE INNER CITY.—The requirement of this subparagraph is that the organization has extensive experience in using married couples to deliver program services in the inner city.

''(3) PAYMENT OF GRANTS IN FOUR EQUAL ANNUAL INSTALLMENTS.—During each of fiscal years 2002 through 2005, the Secretary shall provide to each entity awarded a grant under this subsection an amount equal to ¼ of the amount of the grant.

''(4) FUNDING.—

''(A) IN GENERAL.—Of the amounts made available pursuant to section 403(a)(1)(E) to carry out this section, $3,750,000 shall be made available for grants under this subsection for each of fiscal years 2002 through 2005.

''(B) AVAILABILITY.—The amounts made available pursuant to subparagraph (A) shall remain available until the end of fiscal year 2005.''.

TITLE VI—MISCELLANEOUS

SEC. 601. CHANGE DATES FOR ABSTINENCE EVALUATION.

(a) IN GENERAL.—Section 403(a)(5)(G)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(G)(iii)), as amended by section 606(a) of this Act, is amended by striking ''2001'' and inserting ''2005''.

(b) INTERIM REPORT REQUIRED.—Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)), as so amended, is amended by adding at the end the following:

''(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress a interim report on the evaluations referred to in clause (i).''.

SEC. 602. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 603. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary

determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 604. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

''(ii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

''(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

''(II) determines that there are prevailing humanitarian or public interest concerns.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of the enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 of the Social Security Act (42 U.S.C. 652) is amended by adding at the end the following:

''(m) If the Secretary receives a certification by a State agency, in accordance with section 454(35), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Attorney General, or on the Secretary's own initiative, provide such certification to the Secretary of State and the Attorney General information in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.''.

(2) STATE AGENCY RESPONSIBILITY.—Section 454 of the Social Security Act (42 U.S.C. 654), as amended by section 101(c) of this Act, is amended—

(A) by striking ''and'' at the end of paragraph (33);

(B) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(C) by inserting after paragraph (34) the following:

''(35) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompained by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.''.

SEC. 605. CORRECTION OF ERRORS IN CONFORMING AMENDMENTS IN THE WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999.

The amendments made by section 2402 of Public Law 106–246 shall take effect as if included in the enactment of section 806 of H.R. 3424 of the 106th Congress by section 1000(a)(4) of Public Law 106–113.

SEC. 606. ELIMINATION OF SET-ASIDE OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.

(a) IN GENERAL.—Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(A)(i) of such Act (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking ''(I)'' and inserting ''(H)''; and

(ii) by striking ''(G), and (H)'' and inserting ''and (G)''; and

(B) in item (bb), by striking ''(F)'' and inserting ''(E)''.

(3) Section 403(a)(5)(B)(v) of such Act (42 U.S.C. 603(a)(5)(B)) is amended in the matter preceding subclause (I) by striking ''(I)'' and inserting ''(H)''.

(4) Subparagraphs (E) and (F) of section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)(F) and (G)), as so redesignated by subsection (a) of this section, are each amended by striking ''(I)'' and inserting ''(H)''.

(5) Section 412(a)(3)(A) of such Act (42 U.S.C. 612(a)(3)(A)) is amended by striking ''403(a)(5)(I)'' and inserting ''403(a)(5)(H)''.

(c) FUNDING.—Section 403(a)(5)(I)(i)(II) of such Act (42 U.S.C. 603(a)(5)(I)(i)(II)) is amended by striking ''$1,450,000,000'' and inserting ''$1,400,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 607. INCREASE IN PAYMENT RATE TO STATES FOR EXPENDITURES FOR SHORT TERM TRAINING OF STAFF OF CERTAIN CHILD WELFARE AGENCIES.

Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended by inserting '', or State-licensed or State-approved child welfare agencies providing services,'' after ''child care institutions''.*

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 101(e), 304, 603(b), 605(b) and 606, and in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on October 1, 2001, and shall apply to payments under part D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under section 454 of the Social Security Act which requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the additional requirements solely on the basis of the failure of the plan to meet the additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in part B of the report if offered by the gentleman from Virginia (Mr. SCOTT) or his designee, which shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I begin by expressing my appreciation to my colleague and ranking member, the gentleman from Maryland (Mr. CARDIN), and his very capable staff. This bill we bring before the House today was fashioned in some of its most significant sections by the gentleman's hard work and insight, and I thank him.

I also want to thank my colleagues on the Conservative Action Team, who have helped us strengthen the marriage provisions in the fatherhood program that is such a vital part of this legislation. The gentleman from Oklahoma (Mr. COBURN) and his associates have worked with us in good faith and have improved this bill both by changing the procedure under which it is being debated and by adding excellent provisions to the bill.

The 1996 welfare reform law has been one of the greatest social policy successes of the last half century. Due in

great measure to this legislation and excellent reforms in the earned income credit, Medicaid child care, and other programs that support working families, work by single mothers, and especially never-married single mothers has increased in the last 5 years to its highest level ever. The result, according to a broad Census Bureau measure of poverty, is that we have reduced child poverty by nearly 30 percent in the last 5 years. We have reduced child poverty by nearly 30 percent in the last 5 years. This is a historic achievement made possible by legislation that originated in this body.

Welfare reform has put us on the right track. But many of these single mothers and their children are struggling on extremely low incomes. Those who used to be on welfare are now in the workforce, but all too often their day-to-day personal struggle is nothing short of heroic. They work hard to juggle transportation, child care, work, and family time. It is a big job and millions of women are tackling it with determination and grit. So we come before our colleagues today with a proposal to ensure that these mothers who have left welfare get all the help they deserve. Under this bill they will get to keep more of the child support money the fathers of their children are paying.

It is time to modernize the child support system's connection with welfare and require that a woman get 100 percent of the father's child support payment as she leaves welfare. That is exactly what this bill does. When fully implemented, this legislation will provide young mothers leaving welfare with an additional $700 million per year. That is $3.5 billion over 5 years. And every penny of it comes from child support payments made by fathers.

In addition, this bill allows States to pass along child support through to the family while the family is still on welfare. This will encourage the development of the bond between the noncustodial parent in the family, help them develop an understanding of their economic ties, and better prepare families for the transfer off of welfare. Remember, if they understand the economic ties that bind, they are going to be better positioned to develop the emotional ties that bind and on which life depends.

Of course, the best solution for these single mothers and their children would be to form two-parent families through marriage. We now have overwhelming evidence from research that marriage is good for health and happiness of both mothers and fathers, but the greatest beneficiaries of marriage are the children. Thus, as part of a very balanced package we bring to the floor today, we propose to fund small-scale community and faith-based projects throughout the Nation to promote marriage and better parenting by low-income fathers whose children are on welfare and to help them improve their economic circumstances.

I know that many in this body doubt that government should be involved in promoting marriage, so I urge them to consider how our proposal would work. We want to provide seed money to help faith-based and other community organizations tackle this vital job. Seventy-five percent of the funds must support nongovernmental organizations. So we are not creating a new government program and bureaucracy. Government is simply a mechanism to help private organizations perform this important work.

Let me also mention the legitimate concern of some that women could be pressured into violent relationships. In this bill we have added many provisions to assure that domestic violence and child abuse are prevented and, when necessary, that referrals are made to local services to help families in which violence is occurring.

But we must in good conscience build on the important fact discovered through welfare reform. Because of its paternity determination requirements, we now know that 80 percent of the adults having out-of-wedlock children are serious about their relationship and believe it will be lasting. That is simply astounding. And we did not know that before welfare reform was implemented. Yet, after 2 years, after 2 years, most fathers are out of the picture. This bill will help many poor young men and women, more than half of whom live together when the child is born, and as I said, 80 percent of whom say they hope to form a lasting relationship, to fulfill that dream through education and support.

These young people are poor. They often live in dangerous communities, lack economic prowess, and have few role models to follow to help them form stable, lasting marriages. These young couples face long odds. This bill will help them. It will help them work toward marriage; it will help them work toward becoming better parents and work toward economic advancement. For example, we will now provide the same help in getting a job to the fathers of children on welfare as we do to mothers on welfare. In other areas we will provide some of the education that has so helped women to their male partners. It is just common sense.

This bill will move us a dramatic step forward in helping our poorest young people help themselves by making sure that child support money stays in the family. This will help young mothers to avoid or get off welfare, and bring young fathers and their children closer together.

The fatherhood provisions of this bill promote more responsible behavior by fathers, including marriage, better parenting, and work. Through the fatherhood demonstration grants and the child support distribution reforms, we will bring our Nation a giant step forward on that path to building strong families and helping our poorest young people and children realize their dreams.

Again, I thank my colleague, the gentleman from Maryland (Mr. CARDIN), for his very significant contribution to this family-strengthening bipartisan legislation. Today we advance the agenda of personal responsibility and strengthen the family ties on which the well-being of our children depends.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank my colleague from Maryland for yielding me the time.

Mr. Speaker, I want to commend the author of the bill, the gentlewoman from Connecticut (Mrs. JOHNSON), who has been the leader in this effort.

I rise in strong support of H.R. 4678, the Child Support Distribution Act, a measure that promises to boost more families out of poverty and seeks to remedy the serious trend of fatherlessness.

Over the past 40 years, the number of children living in households without fathers has tripled from just over five million in 1960 to 17 million today. This void has repercussions not only on the financial stability of the child but also on the child's emotional well-being and moral development.

Statistics show that, without fathers in their lives, children are five times more likely to live in poverty, two times more likely to commit crimes, over twice as likely to abuse alcohol or drugs, and more likely to become pregnant as teenagers.

I am dedicated to strengthening the family. As a parent, I believe it to be my responsibility to teach my own daughters values and ethics by which to live. H.R. 4678 encourages responsible fatherhood by establishing a fatherhood grant program that would fund public and private fatherhood programs for fiscal years 2001 through 2007.

H.R. 4678 would fund fatherhood programs that promote successful parenting by not only teaching parenting skills and encouraging healthy child-parent relationships but also deliver job training to fathers to help break the cycle of poverty.

Additionally, and equally as important, under H.R. 4678, children would benefit from more child support collected by the States on their behalf. For families leaving welfare, H.R. 4678 would compel States to distribute all arrears before the State could receive

any arrears owed to it for the period the family collected welfare.

Under current law, a family that leaves welfare only receives 50 percent of any past due child support payments. H.R. 4678 will also provide States with an option to pass the entire child support payment on to the family on welfare. Presently, States keep the child support payment and split the payment evenly with the Federal Government.

Under H.R. 4678, $3.5 billion in additional child support would be provided to needy children over a 5-year period and $5 billion over the decade.

Mr. Speaker, as a father, I find it hard to believe that some would fail to honor their obligation to support their own children. But the sad truth as we know it is that far too many become deadbeat parents and far too often the children are pushed into poverty.

We in Congress began the effort to aid the States in child support enforcement through the welfare reform legislation that the gentlewoman from Connecticut (Mrs. JOHNSON) spoke of which we passed in 1996 with my support; and we should continue this important task by passing this bill, H.R. 4678, the Child Support Distribution Act, today.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, this is a great day. I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her leadership and my friend the gentleman from Maryland (Mr. CARDIN) for his leadership in crafting a bipartisan bill.

I think back to 1994, when I had the privilege of being elected to this body, and at that time there were more children living in poverty than ever before. As a result of the welfare reform efforts led by this Congress, we have now seen a reduction by one-half of our Nation's welfare rolls.

This legislation addressing fatherhood and families and strengthening families is a continued positive, successful step forward. That is why I want to commend the chairwoman and the ranking member for this effort.

I also want to thank the committee for including an amendment that was offered by the gentlewoman from Florida (Mrs. THURMAN) and myself which treats more fairly private organizations such as Catholic charities and Jewish Welfare League and others who serve in providing foster care and other child care services under the programs in this legislation.

Under current law, the Federal Government provides a 75 percent matching rate for funds spent training public child welfare workers. But that match is not there for those private workers through Catholic charities and other organizations.

Our amendment, which was included in this legislation, brings parity to the treatment of both public and private workers involved in child welfare.

I would point out that in my home State of Illinois the majority of our programs the majority of the children are served by private organizations such as Catholic charities. In fact, 80 percent of foster care services are offered by private child welfare agencies.

Florida is moving towards a 100 percent completely private system. New York and Kansas are also heavily dependent on this. And that is why this legislation is so important.

Our legislation provides parity by providing that same equal 75 percent match for training programs. And it is the right thing to do. If we want to list the private sector, we need to treat the private sector fairly and equally with the public sector. Those who benefit the most, of course, are the children who are served. Because a trained workforce results not only in better care for children but strengthening of our families.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means, the former ranking member of the Subcommittee on Human Resources, and a person who has been extremely active on child support issues.

Mr. LEVIN. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong support of this bill; and I congratulate the leadership of the subcommittee, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN), for all of their hard work on this.

This bill, in a few words, will improve life for the millions of poor children. It would seem obvious that the essential purpose of our child support enforcement program should be to collect child support for children who need it.

Thirteen and a half million children in the U.S., almost 20 percent, currently live in poverty. One-third of children in single-parent families are poor. And those children are half again as likely to be poor if they do not receive child support.

Unfortunately, under current law, the top priority of our child support enforcement system is to reimburse States for past welfare costs.

In my home State of Michigan, we collect over $160 million a year in child support owed to children who have received welfare at some point. These children and their families are among the poorest in the State. But the vast majority of the child support money we collect in the State does not go to improve their lives.

Instead, over $60 million is paid to the Federal Government and almost $70 million goes directly into the State treasury. Most of the rest is used to pay administrative costs or to reimburse the State for health benefits provided to the families. Little of it goes to the kids who need it.

This policy deprives poor children of needed income and creates a disincentive for their fathers to pay support. The legislation we are considering today would put kids first in the child support system. I believe that this legislation will reduce child poverty, and that is such an essential task.

Child support income is more than a fourth of the household budget for the average family that receives child support. The only source of income that is larger is the parent's income from work. Research shows that single parents who receive child support are more likely to work than those who do not. The child support income would allow these parents to forgo second and third jobs to try to keep their families afloat.

Our work, though, on child support is far from over. Nationwide, less than a third of eligible families receive child support now. In Michigan, which has a better-than-average child support enforcement structure, barely half of eligible families receive any child support at all. Almost 200,000 mothers and their children receive zero.

Child support collections through the Federal child support enforcement system have increased since the 1996 Welfare Reform Act. It gave child support collectors new tools, like the ability to suspend driver's licenses. But clearly we still have much work to do in this area. But this bill is an important further step, one that will improve the quality of life for millions of poor children.

I say this in tribute to the work of the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) and everybody else over the years, some of the Members who are not here today in this Congress who have worked on this important area.

We should pass this legislation and put children first in our child support system.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, who has provided extraordinary leadership for families and children.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4678, the Child Support Distribution Act of 2000. I commend the gentlewoman from Connecticut (Chairman JOHNSON) for her active work on this bipartisan legislation.

Mr. Speaker, I am especially pleased with those provisions of this act that promote marriage, fatherhood and strong families.

Prior to recess, the body passed a resolution by the gentleman from Pennsylvania (Mr. PITTS) on the importance of each of these areas. Some of the points in that resolution are worth repeating I think.

In 1998, 1.2 million babies, or 33 percent of all newborns, were born out of wedlock.

According to a 1996 Gallup Poll, 79.1 percent of Americans believe the most significant family or social problem facing America is the physical absence of the father from the home and the resulting lack of involvement of fathers in the rearing and development of their children.

According to the Bureau of the Census, in 1996, almost 17 million children in the United States, one-fourth of all children in the United States, lived in families where the father was absent.

The United States is now the world's leader in fatherless families, according to the United States Bureau of the Census.

Mr. Speaker, as a Nation, we must focus more attention on addressing these issues. This legislation is a step in the right direction.

Specifically, the fatherhood program included under this child support act provides a source of funding for local communities to carry out programs designed to strengthen families. This includes programs that disseminate information about the advantages of marriage and promote marriage through mentoring and provide classes on how to control aggressive behavior, that train parents in money management, and programs that help fathers and their families break free of reliance upon welfare.

Again, I commend the gentlewoman from Connecticut (Mrs. JOHNSON) for her commitment in this area.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY) who has been one of our real champions on helping us understand the issues concerning child support and who has done a great job in helping our committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 4678. I commend my colleagues the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their efforts to improve our country's child support system.

As many of my colleagues are aware, I know firsthand the importance of child support. Thirty years ago, I was a single, working mom with three young children. In fact, my children were 1, 3, and 5 years old. My children's father did not pay court-ordered child support, and my salary alone was not enough to make ends meet.

As a result, we were forced to go on welfare. Had we received child support, we would not have been on welfare.

Today millions of American families still rely on welfare for the exact same reason, a deadbeat parent. That was not fair to my family 30 years ago. It is not fair to families today. And it is certainly not fair to the American taxpayers. But it is also not fair when child support is paid and the family never sees a penny because the State and the Federal Government keeps it.

This bill before us today will change that.

The CBO estimates that the improved ''pass through'' provisions in H.R. 4678 will get more than $1 billion of child support every year into low-income families and help children in need.

It is hard being a kid today, so we must show them that they are important. Kids who know that their dads and moms care enough to see that there is food on the table and shoes on their feet get the message loud and clear: they are cared about and that they matter.

While it is not a perfect bill, H.R. 4678 does help to send the message to our children, our children all over the country, that they do matter.

□ 1215

I urge that my colleagues support and vote for H.R. 4678.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, it is a privilege to rise in support of this legislation, the presence of which on the floor is a great tribute to the gentlewoman who chairs our subcommittee and the ranking member and their bipartisan effort to help kids. I am delighted to support this legislation, which in my view speaks to a fundamental congressional responsibility, to provide States with the necessary tools to ensure that families leaving welfare are receiving the child support that they are entitled to.

Under this legislation, we give families who have left public assistance first rights to any child support arrears that are owed to them, before Federal and State government are reimbursed for costs incurred while the family was on assistance. This legislation speaks to the confusion of the current distribution rules which are complex, simplifying them to make them easier to understand and lower the administrative burden for the States.

I think that we can all agree that the staff time used to decipher these rules would be better spent by trying to increase collections. This bill also includes the creation of a fatherhood grant program, an issue we have addressed here on the floor in the past which would work with low-income fathers to promote marriage, encourage them to play an active role in their child's lives, and help them get better jobs. Ultimately, these children benefit not only from the financial support that a noncustodial parent provides but also from the stability of having both parents involved in their upbringing. This legislation is a mammoth step in the right direction in terms of reforming the child support distribution system.

I would encourage all of my colleagues to unite in bipartisan support of this important initiative.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first start by thanking my colleague and friend, the Chair of our subcommittee, the gentlewoman from Connecticut (Mrs. JOHNSON), for bringing this legislation forward. It has not been an easy process and rarely is important legislation moved forward without the hard work of our Chair. The gentlewoman from Connecticut deserves a lot of credit for her tenacity in staying with this issue. The legislation before us moves our Nation forward on a policy that will help children by getting more child support to the family. While that might sound like common sense, current law actually penalizes States that want to send child support collections to families struggling to leave welfare and in some cases to families that have already left public assistance.

I can tell my colleagues in my own State of Maryland our legislature has struggled with this issue. Because of the penalties imposed by Federal law, they have been unable to reach agreement to pass more child support through to the families. If a State sends child support collections to a family on welfare, they still owe the Federal Government between half to three-quarters of that same child support payment. This has discouraged States from sending child support to families and encouraged them to adopt an effective 100 percent tax rate on child support payments to certain families. The Child Support Distribution Act as modified by the amendment included in the rule would end this disincentive for States to send child support to families.

The gentlewoman from California (Ms. WOOLSEY) pointed out that when this bill is fully implemented, $1 billion a year in child support will go to low-income families. During the 10-year phase-in period, $6.3 billion of child support collections will actually go to the families. That is good news for families in our Nation. This bipartisan measure would provide States with various options to send child support to low-income families with the Federal Government acting as a partner rather than a financial barrier for the States to do what they believe is best for the families in their own States.

For example, a State would be able to permit the pass-through of $400 a month to families receiving cash welfare as long as that amount is disregarded for welfare payment purposes.

In addition, States could send all support to families that have left cash assistance.

Now, there are three primary reasons why this makes good policy sense. The first and the most obvious that we have talked about is that more resources are going to go into low-income families. There is a better chance that families will actually be able to succeed and get off of welfare and be able to take care of their own financial needs. That is the obvious reason why this legislation makes sense.

The second, it encourages the noncustodial parent to be more involved in the upbringing of his or her child. In most cases it is the father. But it connects the father to the family when the money goes directly to the needs of the child. It makes it easier to collect child support. A father is going to be more willing to pay the money when the money actually goes to the family.

And the third is that it simplifies the administration of our child support system. Our committees have had hearings and have listened to child support enforcement people at our State level about the complexity of our current system. This legislation, in fact, will simplify that system.

In addition to the child support provisions that are included in this legislation, we have also put into this legislation the fatherhood initiative that already passed this body by an overwhelming vote last year; $150 million in grants to community-based organizations to promote marriage, encourage the payment of child support, and enhance the employment prospect of low-income parents. I am particularly pleased that that legislation has been modified.

We continue to learn. We have put additional provisions in that legislation to prevent domestic violence. That is certainly a welcome addition that we were able to include in the legislation. We have also included in the legislation before my colleagues improvements in our child support enforcement provisions as it relates to the issuance of passports and visas for those who are delinquent in the payment of child support.

Mr. Speaker, child support for families is common sense. Now we must make it the law of the land. I strongly urge all my colleagues to support this legislation. We are very pleased that many of the outside groups, the Center for Budget and Policy Priorities, the National Women's Law Center, the Center for Law and Social Policy, the Children's Defense Fund, all urge a favorable vote on this legislation because, as they state in their letter to us dated July 26, it will distribute more support to families to help them maintain employment and reduce welfare, it simplifies the State child support system, and it provides the needed services to low-income noncustodial parents to help them support and raise their children.

Lastly, Mr. Speaker, let me point out that this legislation has had a rough going through our committee. I particularly want to thank Ron Haskins of the majority staff and Nick Gwyn of the Democratic staff for putting children first and finding a way that we could bridge our differences so that we could bring forward the legislation today that enjoys strong bipartisan support. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I too as others have done today rise in strong support of the gentlewoman from Connecticut's and the gentleman from Maryland's Child Support Distribution Act of 2000. This legislation improves on the success of the child support enforcement measures enacted in the historic 1996 welfare reform bill, a bill which itself has dramatically reduced welfare dependency and afforded real opportunity where once there was none.

I want to focus my comments on a particular section of the bill that I introduced as H.R. 4071, the Child Support Fairness and Federal Tax Refund Interception Act to modernize the Federal tax refund offset program. The Federal tax refund offset program is the second most effective way of collecting back child support, accounting for one-third of all back child support collected. But current law limits this program to parents who are on public assistance or parents with children who are still minors or parents with disabled adult children. My provision expands the eligibility for this program to parents with children regardless of their age or disability status.

A constituent of mine, Lisa McCave, of Wilmington, Delaware, wrote me a compelling letter last summer advocating for this change in the law. She had to stand by and watch a $2,426 Federal tax refund go to her husband in Georgia even though he owed her nearly $7,000 in back child support just because her son was no longer a minor. As she said in her letter to me, ''We must be able to get all moneys available toward paying child support in arrearage no matter if the child has become an adult when the arrearage is being paid. We should not have to make our children do without necessaries nor should we have to work two and three jobs to make up for an irresponsible, noncontributing parent.''

On behalf of Lisa McCave and other single parents like her, these artificial barriers should be torn down. A noncustodial parent should not be able to escape their child support responsibilities by playing a waiting game until their child is 18.

I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Maryland (Mr. CARDIN) for their leadership on this issue and urge my colleagues to support this important bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I stand in strong support of H.R. 4678.

Let me just tell my colleagues my perspective. Our welfare reform policy has been built on two things: the single mother and her needs, which is rightfully so, and then the principle of work, work if you are able to work. But the third leg of the stool, if you will, that we have totally ignored is marriage. Because we have had for years a welfare reform system that says to the father, you are an economic disadvantage. You are irrelevant to the well-being of your children. We have even gone so far as to say you are somewhat of an alley cat. You get a girl pregnant and she is 16 years old, hit the road and we will deal with her. It is a ridiculous policy.

What H.R. 4678 does is bring the dad back in the formula. I have met with the Georgia fatherhood program. We have one of their chapters in Savannah, which I represent. In one of their meetings, I met with four of these dads. Here is their personal kind of general story. When I was 18 years old, I became a father. But I was not ready to live up to that responsibility and the Government backed that decision. The Government said I do not have to. If I do hang around, we lose housing, we lose health care, we lose day care, we lose transportation benefits. So it was easy for me to hit the road. And so I left, and a lot of my friends in this situation left. But nobody ever told me what it was like to have the arms of a little 5-year-old girl hug my neck and call me Daddy. Now I have learned that and I want to come back. But I do not want the mama of this little girl, I do not want my little girl to be penalized because I want to come back and be the dad now and do right. Yet that is what our system has been telling him.

But through this bill, we are saying not only are you going to come back but we are going to give you job training because we want you to have stability in your life so that you can have stability in your marriage and your child's life. We are going to give you some education skills, job training skills, and parenthood skills. You are going to feel good.

Mr. Speaker, I have looked into the eyes of four of these dads and their testimony is very, very powerful. We owe this to them. We owe it to the institution of marriage. We owe it to welfare and social reform; but more than anything else, we owe it to millions and millions of kids who our economic policy has said, you are going to go

through life without a dad. This way we can change that. This gives us an opportunity. I urge my colleagues to support this bill.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

□ 1230

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for yielding the time to me.

Later in the debate, I will be offering an amendment and a motion to recommit. The amendment prohibits the use of Federal funds and proselytization. It requires that there should be no discrimination against the beneficiaries based on religion and to make sure that civil rights laws will apply to these Federal funds.

The motion to recommit will provide that we should not discriminate in employment during the course of these programs.

I just wanted to read a list of organizations supporting both the amendment and the motion to recommit, because I would not have time during the consideration of the amendment and the motion. Those who support both the amendment and the motion to recommit will be the American Baptist Churches USA; the ACLU; the American Federation of State, County and Municipal Employees; the American Jewish Committee; the American Jewish Congress; the Americans United; the ADL; Antidefamation League; the Central Conference of American Rabbis Council on Religious Freedom/Friends Committee on National Legislation; Quaker; Hadassah; the Jewish Council for Public Affairs; the Na'amat USA; the National Association of Alcoholism and Drug Abuse Counselors; the National Council of Jewish Women; the National Education Association; the National PTA; People for the American Way; Service Employees International Union; the AFL–CIO; the Union of American Hebrew Congregations; the Unitarian Universalist Association; the Women of Reform Judaism; the National Gay and Lesbian Taskforce; and the Presbyterian Church USA Washington Office.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman from Connecticut (Mrs. JOHNSON) for yielding me the time.

Mr. Speaker, I also thank the gentlewoman for her commitment and her efforts to get this important bill to the floor, and I am pleased that my friend, the gentleman from Maryland (Mr. CARDIN), has worked so hard to bring this bill to the floor as well.

There is no question that in our society in the last generation, too often fathers have been absent without leave. Too often fathers have not been where they were supposed to be, have not been doing what they were supposed to be doing, and rightly and appropriately, because of that, so much of our effort has been to figure out what we could do to help mothers.

Well, one thing we can do to help mothers is to try to help create an environment where fathers really function as fathers, where fathers do more than father a child, they actually play the role of fathers in this society. This bill is a significant step in that direction.

This bill is a significant effort to try to make that happen. Education, job training, parenthood training are all skills that fathers need. We are changing lots of communities in America, beginning with welfare reform; and people in those many communities begin to see for the first time a community driven by work, not welfare.

They also need an opportunity to see a community driven by two-parent families, not single moms struggling to get by. Too many young men in America have grown up in the last decade, maybe even the last 3 decades in communities where there were no role models of fathers, in communities where we do not just pick up the fatherhood parenting skills by watching what happens next door, because what happens next door is exactly what happened at your house, a single mom struggling to get by, nobody to help her with that process.

This bill goes beyond adding the important resources that it does add to collecting child support. It goes beyond that and works hard for the first time in a significant way at a Federal level to help fathers become fathers to do that through faith-based organizations and community-based organizations.

And as well intentioned as I know the gentleman from Virginia (Mr. SCOTT) will be with his motion to recommit, of course, I am opposed to that, because I think involving these community-based and faith-based organizations, as this bill does, with the appropriate protections already in the law and in this bill, is a way to deliver these services.

How do we deliver services that create guidelines, the role models, the thoughts about parenthood and fatherhood, if we immediately exclude from that people who understand the community, people who work in that community and community-based and faith-based organizations all the time.

We need to look constantly for better ways to deliver these messages that make our society more of what we want it to be. Fathers working alongside mothers, raising children in an environment driven by work and values and family is what we need to be trying to build our society on. That can happen more effectively with the implementation this bill.

I am for it. I urge my colleagues to vote for it. I am grateful to my colleagues who have worked so hard to bring this important piece of legislation to the floor today.

Mr. CARDIN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I support the Scott amendment. I think it is a common sense approach, and I hope that this body will approve that amendment. But I want to make it clear, regardless of what happens on the Scott amendment, it is important that we approve this legislation.

Let me point out that all the Democratic Members of the subcommittee, which include the gentleman from California (Mr. STARK), the gentleman from California (Mr. MATSUI), the gentleman from Pennsylvania (Mr. COYNE), and the gentleman from Louisiana (Mr. JEFFERSON) and myself sent a letter out to make it clear that if the Scott amendment does not pass, we urge support for H.R. 4678 because the bill takes real steps to lift low-income mothers and their children out of poverty. This is very important legislation.

Secondly, let me just quote, if I might, from Governor Glendening of Maryland, when I asked him about the pass through issue in my own State, he said in the last session, the Maryland general assembly considered this issue, but decided not to take action on such a significant and costly policy change without a clear knowledge of how the Federal Government will approach this issue and share in the costs involved.

It is important that we pass legislation clarifying child support pass through, so that our States can take advantage of the pass through issues to help low-income families.

I urge my colleagues that, regardless of what position my colleagues take on the Scott amendment, to please support the final passage of the legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 5½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of this bill for several reasons, and I want to enunciate a few of them. We will have a more extended discussion on charitable choice in a little bit.

First off, I think it is important that conservatives understand that tough child support, child support that lets parents know, particularly fathers, that they cannot abandon their families is not only important for the financial support of families, but to send a message to America that, in fact, when one gets married, it is a serious thing that can have long-term consequences. When we have children, we have a lifetime obligation to do that.

This bill also makes sure that the money collected from those fathers in the efforts that we have done here in the House to expand child support collection actually goes to the families

and not merely to replace the government income that goes out to those families, but gives an incentive to help empower those families to move out of poverty because many times, after a divorce or after a separation, those families are driven into poverty.

Many of the people who are there transition into poverty before they move off, because many of what usually are the mothers have the custody of the children, are trapped in poverty for a period of time. And the noncustodial parent falls behind in their child support payments or does not make it a full amount of payment or drives those payments low, and until there is a remarriage and until there is a career change, often there is a penalty on that. This bill tries to address those problems of child support.

As a conservative, I am also particularly pleased in the efforts in the fatherhood area. Some have legitimate concerns as to the expanding role of government, and one question that comes up from some of my conservative colleagues is why would the government become involved in fatherhood initiatives? Partly it is because the government indirectly violated the do no harm goal of what I believe should be the number one priority of the Federal Government.

What the Federal Government has done over time, by programs that are well intentioned, they have given, in fact, a disincentive to marriage in this country, they have made it easier for fathers to abandon their families, to not provide the support.

In public housing, we have had discrimination on families. In fact, if you have two incomes blended together, you go over the income cap, so there is a disincentive in much of public housing in the United States.

To stay married, the marriage penalty and the tax code gives economic disincentives to stay married. We have program after program that is, in fact, in the name of good intentioned efforts to help single moms has, in fact, separated the dad from many families because of indirectly many government programs. I believe that fatherhood is, in fact, essential and having fathers involved in the life of their children is essential.

We have seen creative programs in Oklahoma, in many States, Oklahoma being a model, in many States in fatherhood initiatives. We need to expand these programs. We need and cannot address the problems of teen violence, of drug abuse and many other things unless we have both parents involved, unless in particular as many books are currently pointing out, fathers need to be involved with young boys, they also need to be involved with their daughters in a different way, but particularly as we look at questions of youth violence and school dropouts and many of the problems in society, we must have fathers involved.

My belief is, we would not be facing this crisis as much today if the Federal Government had not already messed this up, and this is part a compensatory way not to take over these programs but to facilitate, which leads us to the question of charitable choice.

It is my great honor to be House cochair with the gentleman from New Jersey (Mr. ANDREWS) of the Empowerment Caucus, the Senate cosponsors and leaders of that are Senator SANTORUM and Senator LIEBERMAN. In our empowerment package which Senator LIEBERMAN, vice presidential candidate LIEBERMAN, said the legislation we introduced today is really a model of cooperation and innovation. It combines much of the President's new markets initiatives and Republican-favored American Community Renewal Act and a progressive new synthesis for stimulating investment entrepreneurship and economic opportunity in disadvantaged communities.

In that package sponsored by Senator LIEBERMAN, unless he would change his mind on what he has backed for years here, it allows religious faith-based providers to become involved in this without diminishing the religious freedom of the beneficiaries or of the organizations.

Vice President GORE has also supported as has Governor Bush faith-based organizations in being eligible for government grants without changing the nature of those religious institutions, i.e., employment questions that are within the law, and, b, without restricting and reaching into other programs that they do that are not funded with government funds.

Let us make it sure as we debate this today, we cannot use government funds to proselytize, that is clear. We can never use government funds to proselytize.

This amendment that we are going to debate today is in advance over any other debate we have, which now is reaching into the private funds of those organizations, as to whether they can do anything of religious character, we all agree no public funds can be used for proselytization, that is a government principle that is long standing and upheld by the courts. But the courts have recently ruled that you cannot also reach into the faith-based organizations that in fact we are allowed to give computers to religious schools because the computers themselves do not proselytize. It is not the business of the government to decide whether proselytization will occur on those computers, we just cannot directly fund it.

Mr. CARDIN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me make it clear, there is no disagreement on either side of the aisle or that I know of any Member of this body, that the participation of the faith-based groups in the programs we are talking about. They are an instrumental part of the fabric of our Nation and are extremely important in the delivery of services.

The question is, it must be consistent with the Constitution establishment clause and separation of church and State.

I thank the gentleman from Virginia (Mr. SCOTT) for bringing forward two amendments or two opportunities for us to clarify that issue. And we are going to have a healthy debate on it. At the end of the day, the House, this body will work its will; and whatever the results are, I am prepared to abide by.

I urge at the end of the day that we all join together as we have during this debate and support the passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would just like to say, Listen up America. So often what happens on this House floor is not reported by the media, unless there is a conflict and a battle. The fact that the gentleman from Maryland (Mr. CARDIN) and I have spent many, many hours thinking about this bill, listening to people's concerns about it, working out the problems means that it comes to the floor with agreement, but it is a dramatic change in public policy.

It is going to make an enormous difference in the ability of our Nation to build strong families. It is going to make an enormous difference in the lives of children. Just as welfare reform put models of work in our neighborhood, so his bill will put models of marriage in those neighborhoods, creating the umbrella of economic and emotional security under which children can grow well and strong.

Research has documented over and over, what we have never been willing on this floor to talk about, the importance of marriage and what it means to children. So today we take that step. We are going to help people learn how to parent, help people understand marriage, help people take that option.

Why?

Because mothers and fathers do better in marriage, but we are doing this for the kids.

□ 1245

Years ago when I was a freshman in this body, I was a member of the Select Committee on Children, Youth and Families. We held a hearing on children's fears, and the goal of the hearing was to demonstrate that children's greatest fear was of nuclear war. In fact, what the hearing demonstrated was that children's greatest fear was of divorce.

Children need moms, they need dads, and we need to honor the role of fathers and help those who come into it

without preparation to succeed in it, just as much as we need to help women on welfare succeed economically.

This bill will help men whose children are on welfare succeed economically, in the same way welfare gives the mothers of their children that help, but it goes beyond that and addresses the emotional need to grow of young people so that they can not only succeed economically, but succeed as parents and succeed as co-parents of this child.

So this is a giant change in public policy, it is a radical step forward, and I urge my colleagues to support it.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H.R. 4678, the Child Support Distribution Act. While I applaud the sections of the bill providing increased flexibility to states to ensure that child support payments go to benefit children, rather than government bureaucrats, other provisions of H.R. 4678 present grave dangers to individual liberty, privacy, constitutional government and the sanctity of the American family.

I am particularly disturbed by the language expanding the use of the National Directory of New Hires, popularly known as the ''new hires database'', in order to more effectively administer the unemployment compensation system and deny visas and residency to non-citizens who are delinquent in child support payments. Identifying persons who are failing to fulfill their legal obligation to pay child support is a worthy goal, as an OB-GYN who has delivered over four thousand babies in my over thirty year medical career, words cannot express the contempt I hold for those who would refuse to support their children. Similarly, preventing fraud in the unemployment program is obviously important to the nation's employers and employees whose taxes finance the unemployment insurance system.

However much I share the goals meant to be accomplished by the expanded uses of the database, I must remind my colleagues that the road to serfdom, like the road to hell, is paved with noble purposes and good intentions. Expanding the use of the new hires database brings us closer to the day when the database is a universal tracking system allowing government officials easy access to every individual's employment and credit history. Providing the government with that level of power to track citizens is to invite abuse of individual liberties.

The threat of the expansion of the new hires database is magnified by the fact that it uses on the social security number, which has become for all intents and purposes a de facto national ID number. In addition to threatening liberty, forcing Americans to divulge their uniform identifier for inclusion in a database also facilitates the horrendous crime of identity theft. In order to protect American citizens from both private and public criminals I have introduced legislation, H.R. 220, restricting the use of the social security number to purposes related to social security administration so that the government cannot establish databases linked by a common identifier.

I would also remind my colleagues that the federal government has no constitutional authority to be involved in the collection of child support, much less invade the privacy of every citizen in order to ferret out a few wrongdoers. Constitutionally, there are only three federal crimes: treason, counterfeiting, and piracy on the high seas. For Congress to authorize federal involvement in any other law enforcement issue is a violation on the limits on Congressional power contained in Article 1, section 8 and the 10th Amendment of the United States Constitution. No less an authority than Chief Justice William Renhquist has stated that Congress is creating too many federal laws and infringing on the proper police powers of the states.

In a free society, constitutional limits on government power and the liberty of citizens must never be sacrificed to increase the efficiency of any government program, no matter how noble the program's goal. Again I ask my colleagues to keep in mind that the dangerous road toward the loss of liberty begins when members of Congress put other goals ahead of our oath to preserve the Constitution and protect the liberty of our constituents.

While the expanded use of the new hires database provides sufficient justification for constitutionalists to oppose this bill, H.R. 4678 also must be opposed as it furthers the intrusion of the federal government into family life through the use of federal funds to support ''fatherhood programs.'' Mr. Speaker, the federal government is neither constitutionally authorized nor institutionally competent to promote responsible fatherhood. In fact, by leveling taxes on responsible parents to provide special programs for irresponsible parents the federal government is punishing responsible fathers!

Federal programs promoting responsible fatherhood are another example of how the unintended consequences of government interventions are used to justify further expansions of state power. After all, it was the federal welfare state which undermined the traditional family as well as the ethic of self-responsibility so vital to maintaining a free society. In particular, the welfare state has promoted the belief that the government (re: taxpayer) has the primary responsibility for child-rearing, not the parents. When a large number of citizens view parenting as proper function of the central state it is inevitable that there will be an increase in those who fail to fulfill their obligations as parents. Without the destructive effects of the welfare state, there would be little need for federal programs to promote responsible fatherhood.

Instead of furthering federal involvement in the family, Congress should stop pumping the narcotic of welfare into America's communities by defunding federal bureaucracies and returning responsibility for providing assistance to those institutions best able to provide help without fostering an ethic of irresponsibility and dependancy: private charities and churches.

Certain of my colleagues will say that this bill does promote effective charity through expansion of the ''charitable choice'' program where taxpayer funds are provided to ''faith-based'' institutions in order to administer certain welfare programs. While I have no doubt that churches are better able to foster strong families than federal bureaucrats, I am concerned that providing taxpayer funding for religious institutions will force the institutions to water-down their message—thus weakening the very feature that makes these institutions effective in the first place!

Furthermore, providing taxpayers dollars to secular institutions violates the rights of taxpayers not to be forced to subsidize beliefs that may offend them. As Thomas Jefferson said ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.''

In conclusion, H.R. 4678, the Child Support Distribution Act, violates the Constitution by expanding the use of the new hires database, thus threatening the liberty and privacy of all Americans, as well as by expanding the federal role in family in the misguided belief that the state can somehow promote responsible fatherhood. By expanding the so-called ''charitable choice'' program this bill also violates the conscience of millions of taxpayers and runs the risk of turning effective religious charities into agents of the welfare state. It also furthers the federalization of crime control by increasing the federal role in child support despite the fact that the federal government has no constitutional authority in this area. I therefore urge my colleagues to reject this bill and return responsibility for America's children to states, local communities and, most importantly, parents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express concerns regarding H.R. 4678, the Child Support Distribution Act of 2000, a bill intended to provide more child support money to families leaving welfare. The debate over welfare reform is very different from the reality of families struggling to escape poverty. Millions of taxpayers dollars have gone to private contractors who's only mission should be the preparation of adults who receive welfare to move from dependence to independence. Unfortunately, the amount of professional assistance made available to these families nor the qualifications of those contractors who are federally funded for the express purpose of providing counseling and job assistance to adults as they transition from welfare to work is not available. We do not have any effective measure as to the success or lack thereof of our effort to reform our nation's welfare system. For this reason, I would challenge my colleagues in this body to raise the bar on any legislative action that would effect the income of those families, which are transitioning from welfare to work.

This is an issue of great importance to children residing in the City of Houston and across this nation and, therefore, should be addressed under an open unrestricted rule, not under one which only allows one amendment such as in this case. The state of Texas has the fourth largest child support caseload in the nation with 1.2 million cases involving 2 million children. Child support collections for these cases increased 15% from $757 million in State Fiscal Year 1998 to $868 million in State Fiscal Year 1999.

Under current law, states are entitled to child support payments while a family is receiving cash welfare payments. And when a family leaves welfare, the state received 50% of any past due child support payments and

the family receives 50%. Fortunately, this legislation would allow states to send child support payments directly to families who are also receiving welfare. This should not be an option for the states, but a requirement that they send all child support payments to these families for the care of their children.

Under current law, states are entitled to child support payments while a family is receiving cash welfare payments. And when a family leaves welfare, the state receives 50% of any past due child support payments and the family receives 50%. Fortunately, this legislation would allow states to send child support payments directly to families who are also receiving welfare. This should not be an option for the states, but a requirement that they send all child support payments to these families for the care of their children.

This bill should maximize the amount of child support funds that states should provide to families in order to increase the potential for success as families struggle to escape poverty under current welfare reform law. It is only fair that the amount of child support collected on their behalf should actually go for the care of these children. It is also very important that states provide this additional support during the critical period after a family leaves welfare. As the current bill is written the effective date for this provision is October 1, 2005, with an allowance for those states which wish to being providing these additional child support funds earlier being permitted to do so.

If members of this body have forgotten that welfare reform has been implemented and families are as we speak on this matter being denied additional assistance from states because their time has run out for access to federally subsidized living assistance benefits. To suggest that some of these families can wait until October of 2005 to receive child support payments which are legally due them is obscene and irresponsible on the part of this body's leadership. This issue is not a republican issue or a democratic issue, but a children's issue and should be treated as such, this legislation should be worked on until our children are helped and treated fairly.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this important legislation which will improve the chances of parents trying to manage the transition from welfare to work.

The underlying bill will significantly strengthen child support enforcement efforts and improve the lives of working families and their children. I am particularly pleased that this bill will improve the lives of thousands of women working hard to support themselves and their families on their own.

This legislation will focus more of the funds collected from child support enforcement activities on the individuals who are actually owed the funds. Too often, in spite of our best efforts to continually improve enforcement activities, child support dollars often fail to reach the families and children who so desperately need them.

This change will ensure that single mothers receive an additional $3.5 billion over the next five years.

This marks yet another important improvement in child support enforcement activities. I am extremely proud that the Clinton Administration and Congress have made so many significant strides in this arena. Last year, we collected over $16 billion in child support—more than twice the amount collected in 1992.

In 1992, I introduced the Child Support and Enforcement Improvements Act which was designed to improve the ability of states to collect overdue child support payments. Many of the provisions of that bill were included in the 1996 Welfare Reform legislation and have helped child support collections continue to rise.

I am proud we have been able to use innovative ways to improve collections including new efforts to redirect tax refund dollars which have resulted in $1.3 billion in additional collections, and programs to match delinquent parents with financial records which have also yielded $3 billion since last August. This legislation is another important step in the effort to ensure that all Americans fulfill their responsibilities as parents. It will help families achieve independence and ensure that more children grow up in safe, stable households.

I urge all of my colleagues to support this common-sense legislation today.

Mr. MARKEY. Mr. Speaker, I rise in support of the Child Support Distribution Act (H.R. 4678) which will allow more child support money to get to the families who need and deserve this compensation. I would like to commend Chairwoman NANCY JOHNSON for sponsoring this legislation and for working tirelessly on behalf of the families of America who will benefit from this bill. I would also like to thank Mrs. JOHNSON for working with me and my colleagues to make improvements to this legislation as it moved through Committee.

On June 26, I along with my colleague Representative JOE BARTON submitted a letter to Mrs. JOHNSON asking that Title III of H.R. 4678 be deleted due to the serious privacy threat the language posed to highly sensitive and personal information. Under Title III, private child support collection agencies would be granted access to national data bases established in 1996 exclusively to facilitate securing delinquent child support payments by federally funded state child support collection agencies. These databases house personal financial, wage and health information. Under current law, state child support agencies and their contractors are subject to federal regulation with respect to the use and disclosure of this sensitive information. However, under Title III of the bill, private collection agencies would have been allowed to access this same information with no federal protections whatsoever.

In addition we submitted a letter to Secretary Shalala at the Department of Health and Human Services asking her to urge the President to veto any legislation that would allow unregulated access to access to these databases.

We were not the only ones disturbed by the language in Title III, consumer privacy groups, state organizations, and employer groups as well as child advocacy groups were all in strong opposition to the title. These groups included the Children's Defense Fund, the National Women's Law Center, the Center for Law and Social Policy, the Association for Children for Enforcement of Support, Inc., the Consumer Federation of America, Consumers Union, U.S. Public Interest Research Group, and the American Payroll Association. These groups understood that allowing unfettered access to these databases could ultimately undermine child support enforcement efforts.

In compelling testimony regarding the privacy threat associated with expanding access to these databases, Joan Entmacher, Director of the National Women's Law Center stated the following on May 18 before the Human Resources Subcommittee on Ways and Means:

> Over the years, Congress has worked to increase the effectiveness of child support enforcement while protecting the privacy of individuals. In the Family Support Act of 1988 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Congress required the creation of the automated systems and databases essential to effective state child support enforcement, and addressed legitimate privacy concerns by carefully limiting access to and use of the information. If access to these databases is expanded, and abuses occur, a future Congress or state legislatures may conclude that the only way to protect privacy would be to dismantle these databases altogether, permanently setting back child support enforcement.

Mr. Speaker, I am pleased that Chairwoman JOHNSON was receptive to our concerns and elected to preserve privacy by removing Title III from the bill. Again, I commend my esteemed colleague Representative JOHNSON for her leadership on this matter.

The SPEAKER pro tempore (Mr. PEASE). All time for general debate on the bill has expired.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT:

Page 39, after line 19, insert the following:

''(E) PROTECTION FOR BENEFICIARIES.—An entity to which a grant is made under this section shall not subject a participant in a program assisted with the grant to sectarian worship, instruction, or proselytization.

''(F) RULE OF CONSTRUCTION ON RECEIPT OF FINANCIAL ASSISTANCE UNDER THIS SECTION.—For purposes of any Federal, State, or local law, receipt of financial assistance from a grant made under this section shall constitute receipt of Federal financial assistance or aid.

Page 39, line 20, strike ''(E)'' and insert ''(G)''.

Page 40, line 5, strike ''(F)'' and insert ''(H)''.

Page 43, line 15, insert ''(except the except clause of subsection (g))'' after ''this section''.

The SPEAKER pro tempore. Pursuant to House Resolution 566, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I yield myself 2 minutes and 40 seconds.

Mr. Speaker, all of the provisions in this amendment have been previously accepted by the majority in the other

bills, H.R. 3222, Even Start, and H.R. 4141 the Safe and Drug-Free Schools, which contained the charitable choice provisions.

In the charitable choice part of this provision that allows the Federal funding of faith-based organizations, the first provision of this amendment clarifies that any eligible entity request not subject a participant during the course of a publicly funded fatherhood program to sectarian worship instruction or proselytization. Under the bill, the charitable choice provision only provides that no direct funds can be used for that purpose. This would not, of course, cover privately paid employees or volunteers, who could use the Federal-funded program to promote their sectarian agenda.

The concern here is that you have individuals seeking assistance in a federally funded fatherhood program, and in essence they become a captive audience. It is wrong to take advantage of their need for services and essentially require them to participate in a federally sponsored sectarian worship program. I say ''federally sponsored'' because, according to the bill, the bill allows the programs to be paid for with 80 percent of the expenses being paid for by Federal funds.

The majority had previously accepted this provision, and in the committee report accompanying the Even Start bill, H.R. 3122, that report outlines the acceptance of that amendment.

Another portion of this amendment closes the loophole contained in the bill which would allow discrimination against some beneficiaries based on their religion. There should be no circumstance in which a person is denied benefits under a federally funded program solely because of that person's religious beliefs.

Finally, my amendment clarifies that programs using Federal funds are technically in receipt of Federal financial assistance. This makes it clear that in the cases of insidious discrimination, the Department of Justice could use enforcement procedures under title VI of the Civil Rights Act to enforce civil rights of beneficiaries and employees.

Mr. Speaker, these provisions have previously been accepted by the majority in two other bills.

The amendment will protect beneficiaries from unwarranted proselytization and discrimination, and it ensures that civil rights protections available to all other Federal programs will apply to this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from Connecticut is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make very clear that the amendment that the gentleman is offering is not the same amendment that is in the Even Start legislation or in the Drug-Free Schools bill. It is different in its wording, and the difference is significant.

Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the chairwoman for her efforts and should have said that earlier on the full bill. I appreciate her leadership.

Mr. Speaker, I am not going to get into a lot of discussion here about the amazing wonders that some of these groups are accomplishing around the country that are faith based, but I want to get into the technical thing.

As a person who has been a primary negotiator with the gentleman from Virginia (Mr. SCOTT) on this, I immediately realized when the phone call came to me a couple of days ago in Indiana that this was not the same amendment, and it has an overwhelming difference which made me resist it.

I have worked with the gentleman because we agree with many of the basic parts of this, that you cannot fund through government funds sectarian worship, instruction or proselytizing, and that there are certain civil rights laws that are required to be upheld regardless in employment discrimination.

But what this program does and this amendment would do is reach into the private funding. The differences, for example, are as we went through Even Start, where people are often in a school or on school grounds and in a defined program, a fatherhood program may have different components, and the way the gentleman has worded this, ''in a program,'' ''program'' is not clearly defined, that it could be a fatherhood initiative that has many components.

The component funded by the Federal Government cannot proselytize. But, as I mentioned earlier, we also have a Supreme Court decision that has come through since we have had these discussions at the Committee on Education and the Workforce, Mitchell versus Helms. The majority clearly ruled that, for example, a computer can be given to a religious institution, because the computer does not do the proselytizing, nor does a building do the proselytizing, nor does a book that does not have proselytizing in it do proselytizing.

If other funds from that organization do proselytizing, then, as long as an individual recipient has a choice, as long as there is not discrimination based on religion and who is in the program, things which we agreed with before and which are protected under law, whether or not the Scott amendment passes, you cannot discriminate on who you serve if you get government funds; you cannot discriminate and use government funds for proselytizing; you cannot practice racial discrimination, for example. But you can, for example, have a program that if part of the fatherhood program gets a computer, or if we help fund a building, and that group happens to have a religious component to their program not funded by the Federal Government, it does not mean that they have to drop everything else that is in their fatherhood program, such as Charles Ballard's in Cleveland does. He cannot use government funds to proselytize, but he can use government funds to do other things. I think it is wonderful, and I think the programs are wonderful.

Mr. SCOTT. Mr. Speaker, I yield myself 45 seconds.

First of all, on the question of whether or not you can discriminate against who you serve, the second part of this amendment deals with that directly, and that is you cannot under any circumstances discriminate on who you serve based on religion. The bill includes a loophole, and this amendment will close that loophole.

On the question of whether you can proselytize during a federally funded program, that is clear, Mr. Speaker. You should not be able to proselytize; you should not be able to run a program that does that. This amendment makes it clear. The bill as it is leaves it open, that you can run a federally sponsored sectarian worship program with Federal funds.

Mr. SOUDER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, my question is, does the gentleman grant that there is a difference between ''during,'' which we have had before, and ''in a program''? Because we have agreed that during a program funded by government funds, that is directly funded, you cannot, but ''in a program'' is broader. Does the gentleman agree with that being the difference?

Mr. SCOTT. Mr. Speaker, reclaiming my time, no, I do not, because under the bill it only includes direct funds. So if you are running the program and have someone come into the program during the program to proselytize with indirect funds, or volunteer, you have got your captive audience, and that is wrong.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentleman that you cannot do it during the program. Current law very clearly prohibits public monies for sectarian worship, instruction or proselytizing. In addition, current law is very clear that no program receiving Federal funds may discriminate based on race, color, national origin, disability, or

age. This amendment is not necessary to enforce title VI of the Civil Rights Act, section 504 of the Vocational Rehabilitation Act or the Age Discrimination Act. It is not necessary, further, to present proselytizing.

What it does do is to change the provisions on which we have relied for a number of years and will thereby frighten churches away from being willing to participate in this program. Remember, these fathers that we are trying to reach out to are the very people that government has not been able to reach, that the bureaucracy is not going to be able to get at them. That is why we want the churches to help.

In many neighborhoods, frankly, the black churches, the Hispanic churches, are the only institutions left standing; and we want them to be able to get some Federal money to help them teach parenting skills, teach financial management skills, do work-readiness programs, to help these fathers take their economic responsibility and their emotional responsibility to their kids.

The big advantage of this is going to be that if that neighborhood church is able to bring these men back into their families and help these families grow then they will be there to support those families throughout the many decades of growth that families go through, through the hard times, which we all know are a part of our lives, as well as through the good times.

So to pass this amendment would absolutely, without question, chill the participation of the ecumenical community, not just the Protestant churches and the Catholic church, but the synagogues and the mosques, in this program. That would be a tragedy for men, for families, and for children.

I urge defeat of the amendment.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

The important word here, Mr. Speaker, is ''direct,'' that you can run especially a church program indirectly with a captive audience that you have got, and that is the essential word. When you say you cannot proselytize, in fact you can, if you do it indirectly.

Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I do not agree that there is a loophole. Clearly you cannot do it during the program. If you go as far as the gentleman's bill, to say you cannot do it ''in'' the program, is significant and will disallow a lot of normal church activities.

But my deepest concern is not whether or not the gentleman and I argue this technically, whether lawyers agree or disagree. The fact is that a change in the wording of this provision that has been in place now for I think 4 years, starting with welfare reform, will chill the participation, particularly of the small churches that we are trying to get involved through this bill.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the amendment has three provisions. One is to disallow any proselytization during the program. It says in the wording ''a participant in a program assisted by Federal funds.'' It also prohibits any discrimination in terms of who you serve, and it provides for civil rights protections under Federal law that apply to every other Federal program. I would hope that we would adopt this amendment.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Scott amendment and the motion to recommit in opposition to the Charitable Choice provisions in The Child Support Distribution Act, H.R. 4678. These provisions would weaken important anti-discrimination civil rights protections; violate the constitutional separation of church and state; and entangle religious institutions in the reach of government. These provisions explicitly enable faith-based organizations to proselytize to those receiving public services; to discriminate in employment decisions with public funds; and provide that faith organizations need not alter their religious character causing adverse consequences.

While the underlying child support provisions in this bill are important to help families raising their children and that they are endorsed by the Children's Defense Fund, the Center on Budget and Policy Priorities, and CLASP, my opposition is focused solely on the Charitable Choice provisions. Also, opposing these Charitable Choice provisions is The Work Group for Religious Freedom in Social Services, a coalition of more than 40 national religious, civil rights, civil liberties, and education organizations, including the ACLU, American Baptist Churches, USA, American Jewish Committee, and Americans United for Separation of church and State.

The Scott amendment is essential because it would strengthen prohibitions against proselytizing and prevent discrimination against beneficiaries. It also would clarify that beneficiaries who received direct grants or beneficiaries who receive indirect assistance are both in receipt of federal financial assistance.

The amendment has three main components. First, although the bill would prohibit federal funds provided directly to recipient institutions from being expended for sectarian workshop, instruction, or proselytizing, the bill does not extended the prohibition to privately funded staff pursuing these activities toward individuals receiving public services within the publicly funded program. The Scott amendment recognizes that it is inappropriate for publicly funded institutions and programs to include a component of proselytization and would prevent this. Second, the Scott amendment would close a loophole enabling discrimination against beneficiaries when another existing local, state, or federal law permits it. Third, the Scott amendment makes it clear to our court system that when federal funds are involved federal civil rights apply and they can be enforces under the Civil Rights Act Title VI or other applying laws. This would apply even if federal financial assistance is provided via a voucher, certificate, or other indirect methods.

SCOTT's motion to recommit addresses employment discrimination and would strike the bill's provision allowing religious organizations to use public funds to discriminate in hiring. All of these needed protections are very important to ensure that the religious rights and the civil rights of Americans can be exercised and where they overlap, there is an appropriate balance. They also would serve to protect the separation of church and state. I urge my colleagues to support the Scott amendment and motion to recommit.

□ 1300

The SPEAKER pro tempore (Mr. PEASE). All time has expired.

Pursuant to House Resolution 566, the previous question is ordered on the bill and on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 257, answered ''present'' 1, not voting 13, as follows:

[Roll No. 455]

AYES—163

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky

Scott
Serrano
Sherman
Sisisky
Slaughter
Stabenow
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—257

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—13

Engel
Everett
Jefferson
Jones (OH)
Lazio
McCollum
McIntosh
Owens
Riley
Tanner
Towns
Vento
Young (AK)

□ 1323

Messrs. SALMON, DAVIS of Florida, DAVIS of Virginia and HILL of Indiana changed their vote from ''aye'' to ''no.''

Ms. ESHOO and Messrs. GEPHARDT, BALDACCI and COSTELLO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). 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.

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the bill H.R. 4678 to the Committee on Ways and Means with instructions to report the same to the House forthwith with the following amendment:

Page 43, line 15, insert ''(other than subsection (f))'' after ''this section''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes in support of his motion.

Mr. SCOTT. Mr. Speaker, first of all, I want to make it clear to my colleagues that the motion does not kill the bill. It simply strikes the provision contained in the bill which allows employment discrimination and reports the bill immediately back to the House for consideration without that provision.

Mr. Speaker, the motion makes it clear that a religious organization participating in a fatherhood program may not use Federal funds to discriminate in their hiring based on religion. Mr. Speaker, the idea that religious bigotry might take place with Federal funds is not speculative.

During several debates that we have had on this issue, it has been established that it is the intent of the sponsors to allow a religious organization using Federal funds under charitable choice to fire or refuse to hire a perfectly qualified employee solely or based on that person's religion. One said that a Jewish organization could fire a Protestant if they choose.

Furthermore, some proponents of charitable choice have gone so far to suggest that charitable choice would not work unless one could discriminate. One proponent was quoted in Congressional Quarterly stating that groups should not be barred from Federal funds because they are a Christian organization and like to hire Christians.

Mr. Speaker, there was a time when some Americans, because of their religion, were not considered qualified for certain jobs. In fact, before 1960, it was thought that a Catholic could not be elected President. Before the civil rights laws passed, people of certain religions were routinely subject to invidious discrimination when they sought employment. Fortunately the civil rights laws of the 1960s put an end to that practice, and we no longer see signs suggesting that those particular religions need not apply for jobs.

Mr. Speaker, it is disappointing to know that at the same time that we are considering the first person of the Jewish faith to be our Vice President that at the same time we are considering legislation which will allow religious organizations to practice religious discrimination in federally funded programs.

Federally funded religious bigotry is wrong, and so I urge the adoption of the motion to recommit with instructions.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this vote is very clear. It is nonpartisan. If my colleagues favor using Federal tax dollars to discriminate based on religion for federally funded jobs, then vote ''no'' on this motion. But if my colleagues think it is wrong to take the American people's tax dollars and put out a sign that says no Jews, no Protestants, or no Catholics, no Muslims need apply for this federally funded job, then they should vote ''yes'' for this motion.

□ 1330

I would suggest it is wrong to discriminate against any American citizen based on religion. I think to use Federal tax dollars to subsidize that religious discrimination should be intolerable, and it should be unacceptable in this bill or any bill that passes this House. I urge, for that reason, a bipartisan ''yes'' vote on this motion to recommit.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume to indicate that if this amendment does not pass, we will have people having the ability to tell people that they do not hire their kind because of their religion. This amendment would prohibit that practice, would prohibit discrimination based on religion in federally funded programs.

I would hope that we would take a stand against religious bigotry and adopt the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in very strong opposition to the motion to recommit, and I yield 30 seconds to the gentleman from Maryland (Mr. CARDIN), my ranking member.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes, and the gentleman from Maryland (Mr. CARDIN) is yielded to for 30 seconds.

Mr. CARDIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there are different views in this House in regards to this particular issue. I happen to agree with the position of the gentleman from Virginia (Mr. SCOTT) and will support the motion. However, regardless of what happens on the motion, I urge my colleagues to support the final passage of this legislation.

I am joined in this request by all the Democratic members of our subcommittee: the gentleman from California (Mr. STARK), the gentleman from California (Mr. MATSUI), the gentleman from Pennsylvania (Mr. COYNE), and the gentleman from Louisiana (Mr. JEFFERSON).

This is an extremely important bill. Let the House work its will on this motion, but please support final passage.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, this is a very critical vote. The question is whether we are going to repeal title VII of the Civil Rights Act that has exempted churches from being regulated in their employment patterns.

This is a question of church governance and whether we are now going to say that churches, if they are going to participate in any Federal program, can no longer be churches. If we take the religious nature out of the churches and say that they cannot control who they hire, we have changed the nature of current law. We have changed the nature of the Civil Rights Act, title VII, that was given in particular to churches so they did not fall under this type of thing.

In the recent decision on Mitchell versus Helms, for the majority, Justice Thomas wrote, ''The religious nature of a recipient should not matter to the constitutional analysis so long as the recipient adequately furthers the government's secular purpose.''

We all agree they cannot proselytize with government funds. If they are accomplishing our goal of fatherhood, of housing, of juvenile justice, whatever our goal is, to get kids off drugs, as long as they are not proselytizing with our government funds, I do not believe we in Congress should tell a church that they should no longer be a church or they cannot participate.

We need the involvement of all parts of our community. This amendment would in fact gut almost any denomination from being willing to participate in trying to address the problems that so desperately need our cooperative efforts.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

My good friend from Virginia, and we are good friends, said that this does not gut the bill, does not kill the bill. There is no question it kills the bill. Title VII at the present time exempts churches and religious organizations from employment discrimination laws. So, obviously, the church is not going to give up that title VII exemption or the religious organization, so they just do not participate.

So we will lose some of the very most important people that could make this program work simply because we have gutted the bill; we have eliminated their participation. It is just as simple as that.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a difficult issue. But for 4 years now this Nation has had Charitable Choice language in its welfare reform bill, in its Even Start program, and in other legislative initiatives for the explicit purpose of allowing churches to be part of the social service delivery system because often they can reach people that no government agency can reach.

There are neighborhoods in America, there are areas of America where the only institutions left are small churches. Those small churches cannot tolerate complex, burdensome regulations governing their activities, but they can provide services without proselytizing. Clearly under current law, they cannot use Federal funds on any program that is going to proselytize. They cannot use Federal funds if they are going to discriminate. All those things are in current Charitable Choice laws and they have worked. Do not change it.

And particularly do not change it in this fatherhood bill, because the fathers we are trying to reach are outside of the traditional system. The most likely agencies to reach them are the very small black churches in poor neighborhoods, Hispanic churches, other small institutions that we hope will be able to reach out to these fathers, and help bring them back into being the emotional parent of their child as well as the economic parent.

Charitable Choice provisions have worked. Do not vote for this motion to recommit because it will destroy the opportunity of particularly our smallest churches to participate in the fatherhood grant demonstration program. And that would be really a tragedy because it would weaken us in reaching people that traditionally in our society we have not been able to reach. Government has not reached them, the big institutional churches have not reached them, and we need, we need, to reach into the neighborhoods where the people need our help.

Mr. Speaker, I urge opposition to this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 456]

AYES—175

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark

Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—249

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOT VOTING—10

Engel
Everett
Jefferson
Jones (OH)
McCollum
McIntosh
Owens
Towns
Vento
Young (AK)

□ 1355

Mr. SPRATT and Mr. COOKSEY changed their vote from ''aye'' to ''no.''

Mrs. CAPPS changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 18, not voting 11, as follows:

[Roll No. 457]

YEAS—405

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
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Franks (NJ)
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Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
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Kennedy
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Kilpatrick
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King (NY)
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Lewis (CA)
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LoBiondo
Lofgren
Lowey
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Maloney (CT)
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Markey
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McGovern
McHugh
McInnis
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McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Moran (KS)
Moran (VA)
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Ortiz
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Oxley
Packard
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Pascrell
Pastor
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Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
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Pombo
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Porter
Portman
Price (NC)
Pryce (OH)
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Radanovich
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Schaffer
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Sherwood
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Simpson
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Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
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Tauscher
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Taylor (MS)
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Thune
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Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—18

Ackerman
Bateman
Cannon
Chenoweth-Hage
Coburn
Frank (MA)
Gejdenson
Graham
Hostettler
Jackson (IL)
Jones (NC)
Manzullo
Paul
Payne
Sanford
Scott
Shadegg
Waters

NOT VOTING—11

Engel
Everett
Ewing
Jefferson
Jones (OH)
McCollum
McIntosh
Owens
Towns
Vento
Young (AK)

□ 1412

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, today, I was unavoidably absent on a matter of critical importance and missed the following vote:

H.R. 4115 (rollcall No. 454), to authorize appropriations for the United States Holocaust Memorial Museum and for other purposes, introduced by the gentleman from Utah, Mr. CANNON, I would have voted "yea."

On the amendment to H.R. 4678 (rollcall 455), introduced by the gentleman from Virginia, Mr. SCOTT, I would have voted "aye."

On the motion to recommit H.R. 4678 with instructions (rollcall 456), introduced by the gentleman from Virginia, Mr. SCOTT, I would have voted "aye."

On passage of H.R. 4678 (rollcall 457), to provide more child support money to families leaving welfare, to simplify the rules governing assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes, introduced by the gentlelady from Connecticut, Mrs. JOHNSON, I would have voted "yea."

GENERAL LEAVE

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4678.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

DEATH TAX ELIMINATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of September 6, 2000, at page H7240.)

The SPEAKER pro tempore. The gentlewoman from Washington (Ms. DUNN) is recognized for 1 hour.

Ms. DUNN. Mr. Speaker, for purposes of debate only I yield 30 minutes to the gentleman from New York (Mr. RANGEL).

Mr. Speaker, I yield 2 minutes to the gentleman from the great State of California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, Americans are being taxed at the highest rate since World War II. The worst example of this is the death tax, a provision that punishes Americans trying to leave a family farm or small business to their loved ones. Instead of being left a legacy built on hard work and dedication, grieving families are subjected to taxes so high, many are forced to sell their inheritance just to pay the IRS.

□ 1415

That is completely unfair. In my northern California district, some of the leading employers are family farms and small businesses. These hard-working Americans deserve tax fairness and the opportunity to pursue the American dream without being punished by the IRS. Let us do the right thing by voting to override the President's veto of the death tax.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we are about to embark on the closing of this session and the question is whether we can get something done in a bipartisan way or whether or not we are going to move forward and have tax policy by looking for vetoes and by press conferences.

Clearly, everybody knows if my colleagues had any concern at all about small businesses and farmers being protected by estate taxes, then my colleagues would have joined with Democrats and petitioned the President to sign a bill so that we can give them instant relief, I mean relief now, not like this 10-year plan that my colleagues have that is going to bust the bank.

There is still time for us to work together on this and other matters. If, on the other hand, Republicans would rather have sound bites rather than sound tax policy and attempts to just make it an issue that the President has vetoed this, then we will not have an opportunity to come together and agree on a compromise so that we can both go home and tell the small business people and the farmers that we have protected them against inheritance tax.

So what I am suggesting to my colleagues, we can have our differences, but let us try to set a tone this evening that as we conclude this session that we will be in a better position to compromise and to get something signed into law. It is ridiculous to assume that every time we have an agreement that we are going to kick it up a notch and take away from the surpluses such an extent that we cannot give targeted tax cuts, that we cannot give prescription drug benefits to our aging, that we cannot give some assistance to our working families.

Mr. Speaker, this is the first volume to see how we are going to carry ourselves as we conclude this session, and I do hope that, even though we may disagree, that we do not have to be disagreeable.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I rise today in vehement opposition to the GOP's attempt to override the President's veto of the repeal on estate taxes. President Clinton and my Democratic colleagues were right the first time on the estate tax and nothing has changed. This bill gives the wealthiest 5 percent of all Americans a $105 billion tax break. This is just one more fiscally irresponsible bill to consume the non-Social Security budget surplus revenues before we address the needs of working families.

If Congress overrides the veto of H.R. 8, we will be well on our way to giving $649 billion over 10 years in tax breaks for the wealthy. None of these tax bills will help working families. But passing a feasible and affordable Medicare prescription drug benefit will help all working families—not just wealthy families. Governor Bush, and my Republican colleagues, prefer to spend more money on the dead through the estate tax repeal, than on those who are living and need a worthwhile prescription drug benefit. Governor Bush proposes a prescription drug benefit that would force seniors to pay high out-of-pocket-expenses that lacks the guarantee of comprehensive coverage. Seniors need a solid prescription drug plan that offers them guarantees and predictability. They don't need a repeal in the estate tax. The GOP needs to reassess its priorities.

Offering a Medicare early buy-in plan to those who retire early but need health coverage will also help America's working families. The men and women in my district don't sit on estates worth $20 million. They are forced to work until they are physically unable. When that time comes for those working men and women, I want to give them something back. I don't want to have to tell them that the 106th Congress spent their Medicare prescription drug benefit, or early buy-in health insurance on a tax break for Bill Gates.

All of the benefits from estate tax repeal will go to taxpayers in the top 5 percent income group. Those taxpayers earn at least $130,000 per year. Ninety percent of the tax cut benefits will go to those in the top 1 percent income group—those earning $319,000 per year. The GOP is attempting to mislead U.S. taxpayers through scare tactics. They have been throwing anecdotal "evidence" that family-owned businesses and farms face bankruptcy due to the evil estate tax. This is simply not true. For every dollar of farm estate tax cuts from H.R. 8, 99 dollars will go to other kinds of estates. For every dollar of small or family business estate tax cut benefits, 95 dollars or more will go to other estates. These other estates comprise the very wealthiest of all estates in the U.S.—those estates worth more than $20 million.

The estate tax repeal—and the numerous other tax measures passed by the House—should be scrutinized with a measure of fairness. It hardly seems fair to come to the floor of the House week after week to provide hand over fist full of tax break dollars to the wealthiest U.S. taxpayers, when we haven't even addressed Medicare's solvency. In FY 2000, the

federal estate tax, if left unchanged, is expected to raise $27 billion. That's more than double the total amount of federal income taxes paid by the bottom half of all taxpayers. Some leading estate tax repeal advocates, such as Steve Forbes and Dick Armey would suggest that we triple taxes on the bottom half of all taxpayers—with their flat tax proposals—to make up the lost revenue from the estate tax repeal.

Our children will be hurt by the estate tax repeal. This bill costs over $105 billion over 10 years and $50 billion every year after 2011. We could rebuild of repair every one of our schools for a little over $105 billion. We could also provide health insurance to 7.7 million of the 11 million children currently without health insurance for $105 billion. We could also enroll an additional 836,000 children in Head Start with the $105 billion Republicans want to spend on the wealthiest 2 percent of Americans.

Before any Member of the House votes to override this bill, I want you to consider the opportunities lost. This bill isn't about helping out family-owned businesses and small farms. It's about helping the wealthiest taxpayers in America and denying seniors a solid prescription drug benefit. I urge my colleagues to sustain the President's veto and vote no on this bill.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from New York (Mr. RANGEL), but the fact is that his proposal does not repeal the death tax.

Mr. Speaker, I rise today in strong support of this veto override and our bipartisan effort to eliminate the death tax. In his veto message, President Clinton made several arguments defending the taxation of death, and he proposed targeted tax credits for small businesses and family farms.

Unfortunately, this targeted approach being touted by President Clinton and Vice President GORE will target American families right out of relief. First, and perhaps most importantly, their proposal maintains the fundamental unfairness of the death tax.

It says that at the end of your life, after you worked hard to provide a legacy for your family, the government is still entitled to nearly half the fruits of your labor. I cannot accept this, Mr. Speaker, because it so grossly violates the fundamental virtues of thrift, diligence, and hard work.

Mr. Speaker, 95 percent of Americans believe that it is wrong to tax income during your life and then once again because you die to tax it once again.

Secondly, President Clinton and Vice President GORE believe that they can exempt family-owned farms and businesses by raising the family-owned business exemption to $2.5 million. Well, I stand here to tell my colleagues that it will not work.

In 1997, with the very best of intentions, this Congress created the family-owned business exemption in order to try to protect small businesses from the devastating effects of this tax. In order to qualify for this exemption, however, a family must meet many statutory definitions. These definitions have proven to be so overly complex that most estate planners tell us only 3 percent of their clients even qualify. Worse yet, those families who attempt to claim relief under these definitions find that the IRS challenges them two thirds of the time.

So in the rare instance when a family qualifies, they find themselves spending thousands of dollars in attorneys fees to defend themselves from the IRS. Despite very good intentions, Congress simply cannot recreate in tax law the complex family relationships that exist in the real world, so the oppositions approach will not work. And we should not pretend that it will work.

The Clinton-Gore proposal maintains high death tax rates and provides hollow relief for family farms and for businesses. Most importantly, it does not repeal the death tax. There is only one way to rid the code of this immoral, unfair, and economically unsound tax and that is to eliminate it.

I urge my colleagues to keep their commitments to their constituents and to vote in favor of the veto override.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, over the years, I, too, have heard some small business owners and family farmers and I empathize with their situation and I have worked to provide estate tax relief to farmers and small business owners as we did in 1997.

I am supporting a fiscally responsible alternative that gives estate tax relief where it is needed. That proposal would provide a married couple with a farm or a small business with a $4 million estate tax exclusion in 2001. Today's phases in tax relief over the next 10 years. Let me repeat the choice before us, 10 years of waiting or immediate relief.

I do not want to face constituents who may lose a parent before the year 2010 and then learn that the promised estate tax relief does not exist. It is irresponsible for us to talk of relief in the future when we can provide that relief today.

Over the years, I have also heard from farmers and business people who recognize the importance of a strong economy which includes paying down the national debt. They agree with Alan Greenspan that a debt buyback helps the economy more than a tax cut.

If they knew that they could get a $4 million benefit and a debt-free economy they would, too, be supporting this veto. Once the veto is sustained, the majority will have to explain to them why the promised tax relief in fact hurts their economic future.

During the earlier debate, I heard from a friend who is a family farmer and a transplant recipient. He asked me when he could expect estate tax relief and when he could get help for his prescription drugs. Under the majority's tax plan, he gets either one or the other.

Under the responsible $4 million exclusion, he could get both tax relief and Medicare prescription drug benefits and a debt-free economy. Most of my constituents do not ask me about estate tax relief. They want Medicare prescription drug coverage.

If this veto is not sustained, they will get nothing to help them with their current needs.

The SPEAKER pro tempore (Mr. PEASE). Does the gentleman from Texas (Mr. ARCHER) claim the time of the gentlewoman from Washington (Ms. DUNN)?

Mr. ARCHER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) controls the time.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. HULSHOF), a respected member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, the question is a simple one, I say to my friend from New York (Mr. RANGEL), should the death of a family member be a taxable event? Should the passing of one's mother or father who have worked hard to build a business to pass on to their descendants, should that event, that personal tragedy, should that be a taxable event?

If my colleagues believe that it should be, then vote to sustain the veto of the President. If my colleagues think it should not be a tax event, then vote to override the President's veto.

Mr. Speaker, I appreciate the gentleman from Texas (Chairman ARCHER) for yielding me some time, and I suspect that we are going to hear throughout this period of debate the weary class warfare argument from the defenders of the death tax, that this is a tax for the wealthy.

Rather than get caught up in revenue projections and distribution tables and effective dates and whether we have an immediate tax relief or not in our prescription drugs, I would like to tell my colleagues briefly about a constituent family of mine, the Eiffert family. Howard Eiffert began a lumber business in 1965, with very little capital and through a lot of hard work has built a business, the Boone County Lumber Company, that now employs 30 full-time employees. His two sons, Greg and Brad, are looking forward to taking over that family business.

Howard is now 66 years of age and hopes that he can pass that lumber business on to his sons who want to continue the business. But because the tax is still on the books, Greg and Brad

Eiffert are required to pay $35,000 a year. Let me repeat that, Greg and Brad Eiffert, the sons of the founder of this business, are paying $35,000 a year in annual premiums for a life insurance policy, the sole source of which proceeds will be used to hopefully pay off the entirety of the tax bill when that estate, that business is passed to the next generation.

Now, $35,000 a year could hire a very good full-time employee, not to mention the fact that if they do not pay this fee every year, that the death tax will require the closure of the business, which means, in addition to the loss of the property taxes and the payroll taxes and the income taxes that they already pay, the loss of 30 steady paychecks. I urge this body to vote to override the President's veto.

Mr. Speaker, it is a shame that the House has to consider an override of the President's veto today. The President should have done the right thing and signed the bill to bury the Death Tax once and for all. Unfortunately, he didn't, and I rise to urge my colleagues to join me in voting to override the President's veto.

We have heard the same-old, tired class-warfare rhetoric from the defenders of the Death Tax. We have heard that it only benefits the rich. My friends, your vote should be based on one question and one question alone—do you think that death should be a taxable event? Should death trigger a tax as high as 55 percent on a lifetime's worth of hard-work? My answer is no. That is why we should undue the harm done by the President's veto pen.

We can talk about this issue in the context of revenue projections, distribution tables and effective dates. But I want to take a minute to tell you about the Eiffert family in Columbia, Missouri. In 1965, Howard Eiffert started Boone County Lumber Company. Today, his son Brad and Greg help run the business. Howard is now 66 years old and would like to pass the business on to his sons. But this isn't as easy as it seems. The Death Tax looms over this dream like a dark cloud. The Eifferts pay $35,000 a year in insurance premiums in preparation to pay the Death Tax when the day of Howard's passing comes. Howard and his sons Brad and Greg are the real faces of the so-called "rich" that supporters of keeping the Death Tax love to demonize. Keeping the Death Tax on the books is not fair. Fairness dictates that the Eiffert's hard-work should be rewarded, and the Boone County Lumber Company should continue into the next generation.

The Eiffert's situation is but one example of why we should kill the Death Tax. This tax is inefficient. It kills jobs. It punishes those willing to take risks and allows the tax code to wreck a lifetime of hard-work. But most importantly, retaining the Death Tax is plain wrong. I know it, and the Eiffret family certainly knows it.

Mr. Speaker, I urge my colleagues to vote to override the President's ill-conceived veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), who certainly has a reputation of being a friend of the farmer and small business.

Mr. STENHOLM. Mr. Speaker, if we believe that repeal of the estate tax is more important than eliminating the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote to override the veto of this bill.

However, if we agree that eliminating the national debt and protecting Social Security and Medicare is a more important priority than any new spending or tax cuts, then vote to sustain this veto.

Let me tell my colleagues what I am for. I am for estate tax relief for all estates up to $4 million effective January 1, 2001. The Democratic alternative that could have been signed into law would have immediately repealed the estate tax for all family-owned small businesses, farms, and ranches under $4 million and reduced rates on all other estates. It would provide immediate relief, instead of delaying relief for 9 years as the bill before us would do.

Now, we hear a lot today about the $4.6 trillion surplus, but I would remind our colleagues in this body, these are just projections, and we know it.

Budget projections that have changed repeatedly for the good over the past 3 years, they could just as easily change for the worse in the next 3 years. What happens then if we have already pocketed and spent these surpluses?

It is easy to get applause in a town hall meeting by repeating the line "you deserve the tax cut because the surplus is your money" and that is the truth. But that line does not tell the whole truth. What it leaves out is that we still have a $5.6 trillion national debt, $7.9 trillion unfunded liability on Social Security and trillions of dollars of unfunded liabilities in Medicare and other retirement programs.

Those who justify massive tax cuts first by saying that the surplus belongs to the American people and should be returned to them forget to mention that these debts also belong to the American people.

The cost of this bill before us that has been vetoed would keep growing and growing just at the time Social Security and Medicare began to face financial problems in 2010. Until we deal with the long-term financial problems of facing Social Security, we need to be fiscally responsible about any tax or spending bills that would place a greater burden on the budget in the next decade.

If my friends on the other side of the aisle who have been making speeches as we already heard about small business owners and ranchers are serious about helping these folks, I hope they will take the President up on his offer to sign legislation that would provide immediate and fiscally responsible estate tax relief for small businesses and family farms.

The folks I represent back home want a meaningful estate tax that is enacted into law, not more political speeches about whose fault it is that we did not accomplish anything. I want folks who have a farm and a ranch and a small business just like my friend, the gentleman from Missouri (Mr. HULSHOF) to be able to leave the fruits of their labor to their children, but I do not want to leave future generations with a massive national debt and unfunded liabilities in Social Security and Medicare because we want to do the politically popular thing in the year 2000.

□ 1430

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), another respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of our committee, I thank the Speaker, and I thank my friend from Texas who preceded me in the well, because he failed to point out one essential part of the equation. You see, it is legitimate to have differences of opinion and to disagree without being disagreeable, and Mr. Speaker, I think it is painfully apparent.

Our friends on the left believe there is a higher and better use for your money in the coffers of the Federal Government. My friend from New York said it very clearly in the Wall Street Journal: "We will have to figure out who hasn't been hit so hard and take away some of what they have earned."

But the other portion, my friend from Texas left out. Should the Vice President of the United States become President of the United States, just yesterday, Mr. Speaker, he outlined a budget plan that would spend all of the surplus; and while I do not doubt my friend from Texas' commitment to cutting the deficit and the national debt, the fact is our friends on the left had 40 years and they were so caught up in spending that they spent all the monies, including the Social Security monies.

So what we say is this, and, again, I would enjoin my friends to disagree without being disagreeable: the fact is there is a philosophy on the left to take away what people earn. The fact is also that many of our friends on the left, fully one-third of the minority, including every member of the Democratic Party serving here from Tennessee, voted for death tax relief.

We ask folks to join with us to say let us put this unfair death tax to death, because we can continue to pay down our debt and we can also get rid of this onerous tax. As my friend from Colorado has said, "no taxation without respiration." It is unfair to have to visit the undertaker and the tax collector on the same day.

I represent family farmers who are fiscally conservative, who care about Social Security and Medicare, but also

care about their children and also care about their fellow citizens, and we should get rid of this tax. Vote to override the veto.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to say to the House today that I am voting today to sustain the Presidential veto, and I would like to ask my Republican friends to refrain from putting Presidential politics into this issue.

This issue is extremely important. We have the lives of people who need Medicare, people who need Social Security. The vast majority of working families do not need us to cut funds away now for a tax break for the very, very rich. Two percent of the population will benefit from this tax.

I am saying to this Congress and to America, it is time now that we talked about people who need Social Security, people who need Medicare. The repeal of the Federal estate tax benefits a relatively small number of individuals. We have got to begin to think about the entire American public.

What about the rest of us? What about those of us who are on low and middle incomes who need better schools? You keep talking about better education. Let us put your money where your mouth is. You keep using political nuances. We must solve the problems of this country. We need less crowded schools; we need an increase in minimum wage. There are so many things we need before we take all of the money off the top for 2 percent of the wealthy.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT), this body's most outspoken advocate for the working people of this country.

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, World War I is over. It is time to stop taxing death. It is out of control. America is literally taxed from the womb to the tomb, from the doctor to the undertaker, and the White House has blinders on. They say it helps the rich.

The facts are clear: the average small business in America spends $35,000 a year on insurance, attorneys and accountants for their estate planning, and that does not include the tax they will pay down the road.

It has gotten so bad, and I wanted to compliment this chairman on this bill, that at one point in our history the estate tax was 77 percent. Seventy-seven percent. Are we nuts?

And this class warfare business that continues to hit the floor, rich man, poor man, is un-American. Whatever happened to the old slogan in America, ''be all you can be''? Work hard, build a nest egg for your family.

The veto gives us a new slogan. The President is saying ''join the pack, give it back. Share your nest egg. Be damned with your family. Hard work and industrial behavior does not mean anything in America.''

Mr. Speaker, that is not capitalism; that is communism. That is not America; that is totalitarianism. That is wrong.

Is it any wonder America is taxed off? On behalf of many families, I say today, tax this. It is time to override this President's veto, and it is time for the Democrats to step up.

Enough is enough. This Tax Code has turned away families, rewarded dependency, penalized achievement, subsidized illegitimacy, and now takes us to the cemetery with a tax collector. Beam me up.

I will vote to override this veto, and I encourage every Member to look carefully at this vote. It is more important than just election politics for the White House.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL), a knowledgeable member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the problem with what the previous speaker just said is that 98 percent of the American people are not affected by this. This is clearly an effort to reward 2 percent of the American people. That is what the estate tax is about.

Let me give you the strategy that has been employed here by the Republicans. Let us have a big tax cut, $1.3 trillion. It went nowhere with the American people. Let us separate it out in pieces. It went nowhere with the American people. Let us contest the President's veto. It went nowhere with the American people. And do you know what, they are still at it. They are still at it, even though they see polling data that indicates clearly that the issue is crystallized and the public sides with us on this.

We could do something constructive on this issue. The Democrats came up with a great alternative here today, $4 million of exemptions that would take care of all of the people that they have noted here today.

The previous speaker said ''override the President's veto.'' The overwhelming truth here is that the President offered a good fix on this issue, along with us in the Democratic Caucus, and the other side refused to accept it. Stand with the President on this veto today.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the President's veto of H.R. 8, the Death Tax Elimination Act. One point I want to make, those 2 percent we keep hearing from our friends on the right, or on the left, I should say, those 2 percent hire a substantial amount of the people that work in this country. Keep that in mind.

This estate tax plan is simple, and we need to make sure that we sustain the President's veto.

It is disgraceful as a result of the estate tax more than 70 percent of family-owned businesses do not survive the second generation. Seventy percent of family-owned businesses do not survive the second generation.

Earlier this summer we had a vigorous debate about free trade, protecting jobs of American men and women, and then forcing 70 percent of Americans to sell off a family-owned business to protect American jobs. It this the American dream? I do not think so.

This estate tax is simply Uncle Sam double-dipping into the pockets of hard-working Americans. First we pay income taxes, then Uncle Sam comes back for more and more taxes, and the estate tax, which is now taking 55 percent of the value of an estate upon death.

This estate tax is extremely hard felt in my State of California where land prices are extremely high. Please vote to override.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, this is an issue where there is truth on both sides. There are competing interests here. There is an interest in really dealing with hard-working Americans who have paid tax on their money, but there is also an interest of concentration of wealth.

As a society, do we really want a threshold of no threshold on estate tax? Someone being able to transfer $20 billion, and families transferring $20 billion? As a society, that is a bad thing.

I think what we need to do as we look at what the reality is, $675,000 in today's world is not an acceptable number, and that number should be raised. We should have a debate and we should have policy, and we should not be playing games with the American people like the majority party is doing right now.

I have legislation that I am going to introduce literally right now that would raise that $675,000 to $5 million and index it for inflation. I do not know if $5 million is the magic number, but the reality is that is what Americans want that would be good public policy; that would be a compromise that the American people would support and the President would probably sign.

If we want to make policy, pass this legislation, and stop playing games with the American people.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I met Bill and Mary Cross and Richard and Judy Beuth in Northern Illinois. They are the 2 percent. They get up early, they work all day, just to put food on the table of Americans. They are only 2 percent; and, therefore, if we follow the minority, they are insignificant and they do not count. But they are America's farmers.

When Richard Beuth's mom died in 1995, and then dad died in 1998, for the privilege of being able to farm this Centennial Farm, which has been in the family for over 100 years, he had to mortgage the farm for $185,000. They are not rich. These are American farmers, and I represented many of them as an attorney, and I was at the auction sale when the gavel fell that cut a family farm in half just to pay the death taxes. They are not rich. They put the food on the table of America.

Mr. President, look at them in the eyes, the ones who get up real early and work 20 hours a day, crying out for help. America's farmers are being called ''rich'' and ''insignificant.'' This is the bill to help them out, Mr. President; and you vetoed it, and you looked at them right in the eye and you said ''you don't count.''

Well, they do count. The Crosses, the Beuths, the Wilmarths, the Eberts, the Kappenmans, the little people across the world that put the food on the table. They are America's farmers. It is because of them and for them that we should override this veto.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I just heard from the distinguished gentleman from Illinois speak with passion, and I would say to him with all due respect that the plan that you have offered will take 10 years to phase in to help those farmers that the gentleman just talked about.

The plan that we have been talking about and we have been arguing for will cover up to $4 million in exemptions for businesses and for farmers like the gentleman has just described, and it will take effect immediately. That is the difference.

Mr. Speaker, years from today, when historians consider the effort to repeal the estate tax, they will say never have so many spent so much time to give so much money to so very few.

□ 1445

When I listen to the folks that I represent back home, and I know many Members have just come from their districts, what they are talking to me about is better schools, a stronger social security system, improving Medicare to include a prescription drug benefit. They want us to reduce the national debt.

That is what I think all of the Members are hearing. There are not a heck of a lot of people telling us to put these priorities on the back burner so we can repeal the estate tax for the Bill Gates' of the world.

There is a reason for that. Ninety-eight percent of all Americans will get absolutely nothing out of the estate tax, nothing. But there are a few people who stand to gain, they are the richest 2 percent of Americans, never mind that it will cost $50 billion a year for the richest 2 percent to get the benefits of this bill.

Let me just conclude, Mr. Speaker, by saying that we have a sensible alternative that I have just described. It is a reasonable alternative. It goes into effect immediately. It is the better approach. It is the more responsible, fiscally, approach to this problem. I hope we will sustain the President's veto on this important piece of legislation.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DELAY), the respected whip of the House.

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, today we have a final chance to save family farms and small businesses that will be sacrificed to pay the unfair death tax. This vote is about whether or not we stop the Federal government from confiscating farms and businesses through an aggressive tax that attaches a penalty to the end of life.

It is not the top rich. The rich do not pay these taxes. It is people like me when I used to be in the pest control businesses. It is a plumbing business that puts all of its assets aside as they build this business and create jobs.

These are people that do not make $100,000, $200,000, $400,000 a year. Most of the time these people take in $60,000 or so to fund their own families. Then when they die, the government comes in in a very unfair way and takes their businesses, and also costs jobs because the people that work for those businesses lose their jobs because they have to liquidate in order to pay this onerous tax.

The death tax punishes Americans who achieve their financial dreams. What is worse, it targets American farmers and these small business owners that are trying to sustain what they have worked their whole lives to build. When the death tax comes due, the surviving relatives are already wrestling with the tough decisions that follow a loss in their family, and this tax complicates matters by forcing family members to liquidate these farms and these small family businesses.

This is wrong. It is unfair. It has been unfair for years. Most Americans recognize that this tax sends the very wrong message. That is why voters overwhelmingly support our proposal to bury the death tax.

This debate also raises a critical question about our national priorities: Should surplus dollars be kept in Washington to be spent by politicians, or should that money be returned to the men and women who earned it?

Our position is clear. Republicans believe that the American people can identify and address their own priorities. We believe that they are far better equipped to know their best interests than any Washington bureaucracy ever can be.

Republicans support two options to return the surplus to the American people: We should either return the surplus to them through tax relief, or give the surplus back to the American people by paying down on the public debt.

By supporting this bill, by overriding the President's veto, Members will end the death tax today and empower American families tomorrow.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I represent the State of North Dakota. I represent more production acres of agriculture than any other Member of the House of Representatives. My, my, my, I have not heard so much concern about our family farmers in four terms in this Congress than I am hearing in the course of this debate.

The fact of the matter is, it is time for a little truth in advertising. This bill is not about family farms, this bill is about tax relief for the wealthiest few in this country.

Let us just take a look at the numbers to put this in perspective. Of taxable estates, those containing farm assets from 1995, 1996, and 1997 represented one-tenth of 1 percent of the taxable estates. That was before the increase, and a significant increase, bringing it to a $2.6 million unified credit today.

It is time we raised that credit. We have had some powerful presentations on the other side. The comments of the gentleman from Illinois (Mr. MANZULLO) were particularly well done in terms of actually having gone to an auction and basically about a family having to sell assets to pay the estate tax.

If indeed that is the situation, even for a few family farms, let us address it and let us address it right now. The majority bill does not do that. The vetoed bill does not do that. It phases in this credit over time, leaving relief for the very end for those families that are subject to so much discussion on the other side.

I want Members to look at this chart right here. This chart shows who is

going to get help. The blue is the Democrat alternative. The red is the Republican bill. This is in year one of this Republican plan. We can see the help for these families is right now under the Democrat bill. They say, see us later, see us later, under the majority bill.

Okay, let us go down a few years. This is the year 2009, almost a decade from where we stand today, relief under the Democrat bill, and here is relief under the Republican bill, barely phased in. Basically, they have to wait 10 years if they are the kind of family farmer, if they are the small business owner that the other side is talking so much today about.

If the need is so urgent, and the majority whip said that this is the final chance, this is the final chance to save family farms and small businesses from being confiscated from the death tax, then why in goodness' name does he wait 10 years to phase in the relief?

If it is that much of a problem, let us do something about it and do it now. That is what the Democrat alternative does. We do it in a way that does not bust the budget, that does not take away our chance to pay off the national debt.

By skewing this whole package for the wealthiest few at the very top, they deprive relief to those who need it, and they bust the budget while they are at it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, the death tax is confiscatory taxation at its very worst. Many family farms and small businesses do not have the cash flow necessary to pay the inheritance tax. Many family farms and small businesses must go out of business and use the assets to pay this devastating tax.

This veto override is our opportunity to solve this situation, to do what is right for the small businesses of this Nation. Besides, the cost of collection of this tax eats up most of the receipts it brings in. We must override this very unwise veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to the motion to override the President's veto of H.R. 8. Estate taxes do place a burden on American small businesses and farmers, but this vote is nothing more than a back-door attempt to enact the first installment of the $2 trillion tax cut that my Republican colleagues want to do.

I guess it is frustrating, Mr. Speaker, because I wonder where our Republican progressives have gone to in seeing these kinds of tax cuts.

Let me read a quote that I picked up over the weekend: ''I do not believe that any advantage comes either to the country as a whole or to the individuals inheriting the money by permitting the transmission in their entirety of such enormous fortunes as have been accumulated in America. The tax could be made to bear more heavily upon persons residing out of the country. Such a heavy progressive tax is of course in no shape or way a tax on thrift or industry, for thrift and industry have ceased to possess any measurable importance in the acquisition of the swollen fortunes of which I speak.''

I will not read the rest, but that was by Theodore Roosevelt, a progressive Republican who knew what it was not to let the richest people in this world save taxes where it should be spent.

America is about a democracy, about saying, hey, let us give everybody a chance. Sure, we can take care of the family farms, of the small businesses, and in parts of the country where our homesteads and houses have accumulated, that would be done. But the Republican strategy is going to fail because it means that there will be no estate tax relief this year or next year for small businesses and farmers.

Our colleagues, if they were serious about an estate tax, they would have worked with some of us and said, hey, we had an alternative that took care of all the problems we hear about, whether it is the local auction or not. But does Bill Gates really need a tax cut anymore than the Rockefellers did in the last century? No.

The Republican plan helps the wealthiest 2 percent of the American families and does nothing for the 98 percent of Americans who are still out there. What we need to do is pass real estate tax relief that will help the small estates, family farms, and the people who have their family homes. That is what we need to do.

I would hope that we would override this veto, because then it takes a big chunk out of trying to also pay down the debt, take care of social security, Medicare, the defense of our country, everything else we want to do.

Let us do something reasonable. We can make estate tax cuts part of the package before the end of this year, but we need to do it after we sustain this President's veto.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the chairman for yielding time to me.

I have heard here an attempt to make this debate one about the super rich instead of the family next door; to make it about only 2 percent of the super rich instead of half of the American population; to make it partisan, when in fact it is very bipartisan.

This legislation went to the President backed by Democrats and Republicans. A big number of Democrats supported this, 65, in this House. While AL GORE is campaigning it as some Republican plot, the entire delegation of Tennessee voted for this, including all of the Democrats, including our distinguished African-American colleague, the gentleman from Tennessee (Mr. FORD), a keynote speaker at the Democrat convention.

Before we question the motives of people supporting abolishing the death tax, let us consider that more is at stake here. This is not about the super rich. Bill Gates will never pay this tax and everyone knows it. Those are the only people who we know to a certainty who will never pay this tax.

But working men and women will pay not just the 55 percent, not just the 60 percent confiscatory rate, they will pay 100 percent when they lose their jobs, when the business for which they work is sold out to pay the tax man. It is time for the death tax to die.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes and 10 seconds to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, there they go again, Fantasy Island. The Republican majority would rather fight for the wealthiest interests in America than agree to eliminating the estate tax for 98 percent of Americans. They would rather put at risk the soundness of our economy, the stability of social security, the reliability of Medicare, and the ability to pay down the debt while investing in our children's education than give up on a plan that gives a $10.5 million average cut to 329 estates, and a $50 billion cut to the top 2 percent of estates. That is the truth.

The truth is more than half of the benefits of this Republican bill will go to less than one-tenth of 1 percent of all Americans. I support the Democratic alternative which gives all estates relief now, not 10 years from now, as this bill does.

The President was right to veto this bill. He wants and I want a tax relief bill which is fiscally responsible and is targeted for the majority of working families. This bill would drain more than $50 billion annually to benefit just thousands of families while taking resources that should be used to strengthen social security and Medicare for millions of families.

□ 1500

I want tax cuts which will protect family farms and small businesses, but that will also help families send their kids to college, provide for long-term care, pay for child care, and help communities build badly needed schools.

We can do this, Mr. Speaker, if the Republican leadership will sit down at the table of democracy and reach agreement with those of us who were also elected to reason with one another on behalf of the American people.

If the majority will unlock itself from the grip of the special interest, we can legislate constructively and cooperatively on behalf of all of the people

and just not for a very few of the people. Let us sustain this veto.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. CRANE), a respected member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to read to my colleagues a letter that I received just yesterday from a constituent of mine in Barrington, Illinois.

''Dear Congressman Crane: I urge you to override President Clinton's veto of H.R. 8 (death tax elimination).

''I personally have a friend whose grandfather owns a farm which has been in his family since 1732. When he passes away, his family will have no choice but to sell the farm in order to pay the death tax.

''Every person who owns such a property or business started up with money which was saved after paying regular income taxes earlier. It just doesn't seem fair to force them to sell or pay again.

''Sincerely, Roger Hedberg, Sr.''

The death tax means an end to a family's heritage. That farm has been in the family for 268 years. If someday they sell the family farm it should be their own choice. They should never be compelled to do so to pay a tax that should never have been enacted.

The death tax is an immoral, obscene tax. It is a tax belonging to a philosophy of envy, fear and greed. That is the wrong philosophy for America in the 21st century.

The death tax should be repealed immediately, and I urge my colleagues to do the right thing and vote to override the President's ill-advised veto of this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, my colleague the gentleman from Texas (Mr. DELAY), the Majority Whip, asked the question do we spend the surplus or do we send it back? I would remind the gentleman from Texas (Mr. DELAY) that, when he first came to Congress, our Nation was about $1 trillion in debt. It is now $5.7 trillion in debt.

See, contrary to what some folks would have us think, the debt is not only disappearing, it is growing and it is growing by the month. These figures are all available in the monthly Treasury statements. I encourage every American to look it up on the World Wide Web.

See if you do so, you will discover that just in the past year, the debt of this Nation has increased by $40 billion, $40 billion. That is 40,000 million dollars that we are more in debt than we were a year ago.

They do talk about a surplus, and there is a surplus. But the only surplus is in the trust funds, things like the Social Security Trust Fund, things like the Medicare Trust Fund, things like the Military Retiree Trust Fund. See, if we remove the trust funds, then we spend $13 billion more than we have collected in taxes.

So when the gentleman from Texas (Mr. DELAY) and others say let us give 2 percent of the American people a tax break, I ask them, and please answer me, whose trust fund are they going to steal it from?

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the highly respected Majority Leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, every day of their life, moms and dads all over this great Nation get up and go to work. They go to work and they earn a living. They take care of their family. They try to build a home. They try to educate their children. They pay their bills faithfully, decent, honest, hard working American people. From every dime's worth of income they earn during the year, they pay their taxes faithfully. When there is something else, they try to save, and maybe they tried to build, and maybe they try to accumulate something.

As they work all their life for their children's well-being, for their comfort, for their safety, their security, their health, they also believe that, if we are really successful, mom, we do a good job, we keep the family farm together, we build this small business into something, create a few jobs for some of our friends and neighbors, when it is all over, we might be able to leave it to our children. They are not working that hard. Paying their taxes, paying their bills, saving, being double taxed on what little bit they can save, watching their little business grow because they are looking forward to the day when they die and leave it to the government.

Yet, this government, with its tax code which is rife with silliness, disincentive, hurt and harm for every American for every time they ever do the right thing stands uncorrected.

The gentleman from Texas (Mr. ARCHER) has labored in his vineyard for 30 years. For 30 years he has seen the silliness multiply in the Tax Code. Today he said let us just take one onerous, obnoxious, wrongful, unfair provision out of the Tax Code.

Let us stop the death tax. Why? It is not about the money. If my colleagues think it is about the money, they have missed the point. It is about the character of our Nation. It is about loving a Nation that loves its children and build its own future.

Yes, we have prosperity. The American people gave it to us, not this Federal Government. Because we have prosperity, we have $268 billion in budget surplus.

For the 30 years that the gentleman from Texas (Mr. ARCHER) was here, 26 in the minority, not one dime was ever committed by Congress when the Democrats were in the majority to buying down a penny's worth of national debt. They raided the Social Security Trust Funds and spent it on all kinds of risky spending schemes. They went on and paid all that debt and let it mount up.

Now America, because it built its small businesses and sustained its small farms, America gave us the surplus. Eighty-five to 95 percent of this surplus is already committed to debt reduction. In just the last few years since the Republicans took the majority, we will have paid down by the end of this year nearly a half a trillion dollars in debt. That is 500 billion dollars in debt.

After that, we said let us get rid of one onerous, obnoxious, stupid, unfair provision of the Tax Code, the death tax. The Democrats as always, as always, with every tax reduction one ever brings to the floor of this House, label it a risky tax scheme for only the best, only the richest, and they regret that that fellow is going to die and get a tax break.

Well, let me remind my colleagues, Mr. Speaker, one does not give the dead guy a tax break. He is in his grave. What one does is abstain from stealing his life's work legacy from his children. That is right. To take a man and a woman's lifetime's work away from their children is wrong. No government should do that, certainly not a government that embraces American values and family values. It is wrong.

The gentleman from Texas (Mr. ARCHER) is correct to be here where he is today in his 30th year of service of the Congress of the United States. He says once, once in 30 years, let us do something that is right in the Tax Code, let us get rid of some silliness, add some sanity.

I applaud the gentleman from Texas (Chairman ARCHER), and I implore all of my colleagues to vote to override the President's ill-advised veto. Hold that family estate, that family farm, that small business for the children of that loving mother and father that worked so hard for all those years, and keep those jobs for those loyal employees who would otherwise be driven out of work. Let us do the right thing. Just once in 30 years, join with the chairman and do the right thing.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise to explain why I will vote to uphold the President's veto today.

I am on RECORD as having voted for H.R. 8 as well as the Democratic plan. The estate tax puts an undue burden on small business owners and farms who are the heart of America's middle

class, often making it difficult to pass their enterprises on to family members.

It is my firm belief that the estate tax in its current form needs to be changed. There is no argument there on either side. The President has shown that he is willing to sit down and work out a solution with all parties rather than this be bipartisan.

He said and wrote to us, the entire House of Representatives, on August the 31st, ''I am returning herewith without my approval H.R. 8, legislation to phase out Federal estate, gift, and generation-skipping transfer taxes over a 10-year period. While I support and would sign targeted and fiscally responsible legislation that provides estate tax relief for small businesses, family farms, and principal residences along the lines proposed by the House and the Senate Democrats. . . .''

This should not be a partisan issue. I am opposed to allowing taxpayers to be pawns in an election year battle. This political posturing today is unfortunate. I have voted for many of the very taxes that have been proposed on both sides of the aisle, and I voted for the repeal of this tax. But we need to take a look at all of this together. As we say in science, the gestalt, the total body of proposed tax cuts to see what it adds up to.

We cannot jeopardize the surplus, and we cannot jeopardize future generations. This is what we need to be smart about. Before this is all over by October 1, I am sure we will be.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected member of the Committee on Ways and Means, and a great American hero.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we must repeal the death tax that penalizes American values. The dollars are there, unlike what the gentleman from New Jersey (Mr. PASCRELL) ahead of me said.

Unfortunately, the Clinton-Gore administration and most of their Democratic allies support the death tax, and yet they make all sorts of arguments to justify yet another unfair tax. Do not believe them. They are up to their old class warfare tricks.

Here is the truth. For too long the death tax has punished our families and small businesses. The death tax punishes families who save and who have worked hard all their lives. Worst of all, the death tax punishes their grieving children who have to sell their parents hard-earned assets just to pay the tax man. The death tax punishes those workers who are employed by the small businesses and farms. That is just not right.

Americans hope to achieve the American dream and be able to share the fruits of their success with their children. We do not need Washington tax collectors operating a toll booth on the way to heaven. Unfortunately, President Clinton and his fellow supporters of the death tax just do not get it. They think Washington is more important than American values.

There were 65 Democrats who voted to repeal the death tax in June. Will they have the courage to do what is right for America, or will they change their vote and blindly follow their party in an election year? Enough is enough. It is time to start repealing taxes on American values. Get rid of that toll booth on the way to heaven. Repeal the death tax.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the moment of truth has arrived, and that is do we want to give relief to small business people in connection with estate taxes and to farmers, or are we really looking for a campaign issue; and that is that we force the President to have a veto.

Clearly, there is a way to give relief immediately, and that is to sustain the President's veto and demand that, as we conclude our work in this session, that the President give some priority to giving relief to estate taxes.

I can assure my colleagues, in speaking on behalf of the Democrats, that we would like to join with you in this effort where we can go home and campaign on so many other issues that we disagree with. But at least on this issue, we would be able to say that all estates that come up to $4 million would be exempt, that all individuals would automatically have $1 million exemption.

□ 1515

Oh no, it would not take care of the very, very, very rich; but it would take care of the working people that work every day and protect the assets that they leave for their children and their children's children.

Now, it is true that we can fight on each and every issue. We can fight against prescription drugs for the elderly, we can fight in terms of giving tremendous tax cuts, again to the very rich; but it would seem to me that we would be enhancing the reputation of this great august body if we could just find something that we could agree on and just not dismiss the Democratic alternative.

We know that our Republican colleagues know that we protect the people that should be protected under our substitute. We know that the President would never have vetoed this bill if he thought it was the right thing to do by the people who could be hurt with an estate tax. And the most important thing is that the American people can tell the difference between a political ploy and those people who want to provide a legislative solution to what amounts to a real problem.

Again, I am saying that Republicans and Democrats have not talked with each other too much during the last couple of years; and that is mainly because, well, they have chosen to look for confrontation; they have chosen to take the areas that we agree with and kick it up a notch to make certain that the President is going to veto. This is so whether we talk about minimum wage, the marriage penalty tax, and now as we deal with estate taxes.

I would suggest, Mr. Speaker, to those people who want to support the President, support the American people, support small businesses, support the farmers, that this is a great opportunity for us to reach across the aisle and have this bipartisan effort so that we can tell the American people that we can work together, even though we did not start off that way. This is an opportunity for us to do it, and I suggest to my colleagues that we try working together before the election, at least on this bill.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, greed is a bad word; but profit is a good word, and we have got to separate the two.

I do not like all the class warfare that has been played on this issue. But while we are talking about it, let me say to my colleagues that if they want big corporations and multinational corporations to buy small businesses at a fire sale price from small business people who are the engine of the American economy, then vote to defend the President's veto here. My colleagues should want to side with small business people and not with large corporations and multinational corporations that are going to gobble up all these small business people. That is literally what happens when a fire sale is forced. That is not fair. That is not right.

But let us not trash the free enterprise system. It is what people in Eastern Europe and the Soviet Union really wanted of the American Dream, an opportunity to have things for their family that they never had or to have a business and to literally go to work and know that the sky is the limit on opportunity.

So let us defend the free enterprise system, but let us most importantly defend the small guy, the small business people and the family farmer. That is what we are trying to do. It is the right thing. And I do think everybody should join in in a bipartisan way.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I think we see ourselves in a situation that is good news-bad news. The good news is that we are talking about reform, and there is no dispute in this

country that we need reform. Everybody is talking about it. The Democrats have had an alternative; the Republicans have a total repeal. The bad news is that there is no real interest in reform. It is just interest in sending a message.

If my Republican colleagues were really interested in pure tax reform and helping the people they talk about, they would have gone down and worked out with the President something he would sign. And he said he would sign something as long as it was reasonable. But this is just total repeal. And my colleagues knew that he would veto that, and that is mean.

I am one of those who voted with my Republican colleagues because I thought perhaps they would lead us into a meaningful discussion of how we could have reasonable inheritance tax reform. My colleagues have not done that. They have failed in that leadership. They have been more interested in a political message than in trying to solve this problem in the United States. Shame on them.

And that is why some of us are going to start supporting the President in his veto, because the Republicans did not want reform, they just wanted a message.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of the President's veto, a veto that speaks volumes about the differences that divide us, about our competing agendas.

This weekend I was back home in my district in St. Louis; and I went door to door, as I always do, and I heard from the working families who live in my district. In all the many conversations I had with my constituents, I did not get one question about what we were going to do to get rid of the estate tax. I did not hear one soul tell me to wipe out taxes for the wealthiest 2 percent of the American people.

The people in my district, like I expect the people in my colleagues' districts, are not interested in tax breaks for the wealthiest Americans. They are not interested in going back to the Reagan years, the Bush years of red ink and large deficits and high interest rates and high inflation and high unemployment.

Let me tell my colleagues what the people did talk about. They talked about when we are going to get a prescription medicine program for senior citizens in Medicare. They talked about getting protections from HMOs and insurance companies, so that, God forbid, the doctors and nurses were making important medical decisions and not accountants and HMO executives. They talked about education. They talked about school buildings. They talked about teachers. They talked about getting rid of guns in schools. They talked about Social Security and Medicare. They talked about paying down the national debt. They talked about doing something about middle-income tax relief.

Please hear this, my colleagues. This bill is a bad bill. It is a reckless bill. It does absolutely nothing for 98 percent of the American people. Now, we proposed an alternative that would get something done if our friends would compromise. We said, let us give immediate relief to more than half the people with the smaller estates. We said, let us cut the estate tax immediately by 20 percent. We said that we can relieve 99 percent of all small businesses and family farmers from paying any estate tax.

We could have done that months ago. We can do that today. The President would sign a bill that was our alternative, that would give people immediate needed relief from the estate tax. But we did not do that, because, I guess, we have to spend this precious time on the floor getting this veto sustained.

This bill would give the largest 330 estates nationwide more than $10.5 million in tax cuts, on average, every year. These estates are valued at more than $20 million apiece and, meanwhile; 98 percent of our people would not see a dime in tax cuts. Add it up. When we add up all the figures, we are draining our surpluses. This bill in the second 10 years would cost over $750 billion.

Let me finally say this. Last year, the Republicans sent us a trillion dollar tax cut. The President vetoed it. They did not even bring it back here for an override. So this year there was a better idea: let us cut it up into little sausage pieces and maybe we can fog one past the American people.

People do not want to spend the majority of this surplus on tax cuts, and they sure do not want to spend it on tax cuts for the wealthiest Americans. They want us to pay down the national debt. They want us to take care of Social Security and Medicare. They want us to spend these last days that we have on the floor in this session doing prescription medicine for our senior citizens in the Medicare program, getting a patients' bill of rights, and doing something to have better school buildings and more teachers and better education. They want us to have a minimum wage increase. They do not want this bill.

I urge Members to sustain the President's veto. Let us come back with the Democratic alternative. Let us get something done for the American people. Let us pay down the debt.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, today we continue our commitment to end the death tax that haunts American families, farms and businesses. Today, we try to break the logjam created by yet another veto by a President who is determined to stonewall bipartisan actions by the Congress of the United States.

I listened with fascination to the minority leader who just spoke. Yes, there are differences that divide us. Major differences. Six years ago he proposed to reduce the exclusion in the death tax to $200,000. Where is this newfound change in his position? The change came because the Republicans got a majority in the Congress that year. So today the Democrats say, oh, but we have a better alternative.

The gentleman even referred to what revenue losses will occur in the second 10 years. Who knows? No revenue estimator, public or private, can give us that number. The longest estimate that is out there is 10 years. But what we do know is that in our bill, that the President has just vetoed, the capital gains tax occurs on every sale of an asset from the wealthy estates left by the Bill Gateses of this world. Now, the Democrats do not tell us that. That is fairness.

We say death as an event should not trigger a tax. But when those assets are sold, handed down by the very wealthy, the tax is paid. That did not show up until in the second 10 years, but we do not get a revenue estimate on that because the estimators will not look out that far.

So I listen to this rhetoric of these numbers that are thrown around that are unsupportable and then the Democrats say, we will give immediate relief to the small businesses. But it is a shell game, another Democrat shell game. We think that our relief is under the shell, yet when we pick it up, the bean is not there. Because it is a fact that under the small business and farm exemption, only 3 percent of the people ever qualify for it. In the meantime, they have spent millions of dollars on estate planners.

So the Democrats say they are giving us something, but only 3 percent of the people they say they are going to help will ever qualify. Now, that is a reality. Just talk to anybody who knows anything about estate planning.

Repealing the death tax is the right thing for America. In the land of the free and the home of the brave it is astonishing that we let people be taxed after they die. That is certainly not the American Dream. It's an American nightmare.

My friend from Texas says people get taxed on their way to heaven. I say the death tax has given purgatory a new meaning. Death as an event should not trigger a tax. That is wrong. It should occur, as I mentioned, when the assets are sold.

Some have said the death tax is ghoulish, to think that someone who works for an entire life building up wealth, saving for children, starting a

business, running a farm or ranch and paying taxes the entire time gets hit once more from the grave. But as my friend, the gentleman from Texas (Mr. ARMEY), said, it is not the one who dies who pays the tax. It is the heirs who are left.

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Now the Democrats will say, Oh, there are only 2 percent of the people that are affected, 98 percent get nothing; the 2 percent that die are not the receivers of the legacy, it is often spread out amongst hundreds of people. And they do not consider the jobs that are created by the 98 percent who work in those family farms and businesses unaffected. They say they are unaffected. They are affected directly. They lose their jobs.

Oprah Winfrey had it right when she said, I get angry every time I think about when I die, the Government will take 55 percent of what I have earned and saved. And why I am angry is because I have already paid taxes once. Why should I be taxed again? That is unfair.

The ancient Egyptians built elaborate fortresses and tunnels and even posted guards at tombs to stop grave robbers. In today's America, we call that estate planning, millions of dollars paid every year for estate planning.

This bill really helps those people who are going to be hit by a hidden tax. Because any middle-income American that has savings and 401(k)s and IRAs will pay a 73-percent tax on their IRAs and their 401(k)s at the time of their death.

This is unfair and we should repeal it and vote to override the President's veto.

Ms. PELOSI. Mr. Speaker, the federal government must not impose an excessive tax burden on working families, and I support targeted tax cuts to help families meet their needs and save for the future.

However, the Republican bill to eliminate the estate tax (H.R. 8) would cut nearly $50 billion from the federal budget per year once fully phased in. Such substantial cuts would harm our ability to strengthen Social Security and Medicare, provide a prescription drug benefit to seniors, pay down the national debt, and provide our essential government services.

I am very concerned about the impact these cuts would have on families, businesses and communities across the country. In addition, the benefits of this cut favor the wealthiest 2% of Americans.

When we prioritize tax cuts over health, education, and labor, we make sacrifices that impact all Americans. We saw this in the House Labor/HHS/Education Appropriations bill where the proposed $175 billion Republican tax cut translated into significant cuts in these important programs. Working families are being asked to make these sacrifices in exchange for a tax cut that would give $300 billion to the 400 richest Americans. $300 billion would pay for a prescription drug benefit for seniors for 10 years!

President Clinton has stated that he would support estate tax relief that is targeted to farm and small business estates. I agree that we should target estate tax cuts to the small businesses and farmers in greatest need. Democrats have offered a substitute that raises the special exclusion for farm and small business estates from $675,000 to $2 million per person. Any unused portion of the exclusion can be transferred to the surviving spouse, meaning that the total exclusion for farm and small business owning couples would become $4 million.

The substitute also increases the general exclusion to $1 million by 2006 and lowers the top marginal estate tax rate from 55% to 44%.

The cost of our bill is approximately $22 billion over ten years. Not only is the Democratic approach more fiscally responsible, I believe that it is a much better alternative for small business owners and farmers because it will benefit nearly all of their families, and it provides immediate relief rather than the 10 year phase in that is included in the Republican bill.

Unfortunately, the Republican leadership has not allowed us to bring this proposal to a vote. I urge my colleagues to vote no on the override of the President's veto.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for estate tax reform. Small businesses and farm owners should not be penalized for their success nor should they have to worry about their ability to pass the family business on to future generations. However, I will continue to oppose the estate tax relief as proposed in the bill under consideration today because it offers significant benefit for the very wealthy individuals subject to this tax without regard to the economy, future revenues or tax fairness. I will vote to sustain President Clinton's veto of this misguided effort.

Many middle class Americans believe they do not receive value for their taxes. An important component of any tax reform debate should focus on renewing taxpayer's confidence that they are not only being taxed fairly, but that their tax dollars are being spent wisely. It concerns me that we are considering repeal of the estate tax today without a broader discussion of reform of our tax policy. We don't make decisions in a vacuum and the decisions we make today will have an impact on future revenues and spending on priority initiatives. A vote to override the President's veto today can be viewed as a vote to give the wealthiest one percent of Americans an $850 billion tax break over the next twenty years. This is contrary to the wishes of two Presidents, Theodore Roosevelt and William Howard Taft, who advocated for enactment of the estate tax.

In 1907, Theodore Roosevelt said the following regarding this progressive tax, ''Such a tax would be one of the methods by which we should try to preserve a measurable quality of opportunity for the people of the generation growing to manhood.'' During his Inaugural Address in 1909, William Howard Taft said, ''New kinds of taxation must be adopted, and among these I recommend a graduated inheritance tax as correct in principle and as certain and easy of collection.'' Historically, the richest in our society are the ones who pay the majority of the estate tax, and the original justification for this progressive tax is still applicable today, but reform is needed as our economy and times change.

Currently, only two percent of people who die have enough wealth to be subject to the estate tax. Of the two percent who pay the estate tax, only three percent are small business owners or farmers. Economic experts point out that the majority of assets taxed under the estate tax are unrealized capital gains and tax-exempt bonds which have never been taxed.

I support estate tax relief which would exempt 99% of family farm estates from estate taxes. The measure I voted for earlier this year would have removed two-thirds of those who pay the estate tax from the tax rolls and increased the family exclusion for farms and closely held businesses to $4 million by increasing the limit on the small business exclusion from $1.3 million to $2 million per spouse. This would have provided real relief immediately. H.R. 8 would not provide relief to a single farm or small business from the estate tax until 2010. This relief is needed now, not in ten years.

The measure I support would immediately increase the exemption equivalent of the unified credit against estate and gift taxes to $1.1 million. It also would provide a twenty percent across the board reduction to the estate and gift tax rates.

I support estate tax reform which maintains fiscal responsibility. The cost of H.R. 8 is not offset and will cost the Treasury $105 billion over ten years and $750 billion over the second ten years. Fiscal discipline of the past eight years has brought us to time where we are enjoying economic growth and prosperity. Projected surpluses still require us to make difficult decisions about priorities, and I believe that the President was correct to veto this fiscally irresponsible tax bill.

I voted in favor of a fiscally responsible proposal, the Rangel Amendment to H.R. 8, to provide immediate relief to two-thirds of the individuals in Missouri faced with estate tax liability. On July 13, the New York Times reported that if H.R. 8 would have been law in 1997, more than half of the tax savings would have gone to approximately 400 individuals who died that year leaving individual estates worth more than $20 million each. By contrast, the New York Times reported that the Democratic alternative which I supported would have exempted approximately 95% of all farmers who paid estate tax in 1997 and 88% of small business owners who paid the tax.

If the President's veto is sustained today, I hope my colleagues on both sides of the aisle will come together to find a targeted, fiscally responsible compromise which can be enacted into law before the 106th Congress adjourns this fall.

Mr. CAMP. Mr. Speaker, today we are working to repeal the death tax so that family businesses can be passed down to children and grandchildren, and family farms can continue to exist. Less than half of all family-owned businesses survive the death of a founder and only about five percent survive to the third generation. Under the tax laws that we currently have, it is cheaper for someone to sell a business before dying and pay the capital gains tax than to pass it on to his children.

It's clear and simple—the death tax is double taxation. Small business owners and family farmers pay taxes throughout their lifetime. At the time of death, they are assessed another tax on the value of their property. It would be like giving a friend a gift, which you already paid sales tax on, followed by your friend receiving a bill from the IRS for another cut. It is absurd.

Repealing the death tax makes good economic sense. One out of every three small-business owners expects all or part of their business will have to be liquidated when death taxes come due. That doesn't just mean that the family loses the business. It also means that the employees of that business are laid off. Repealing the death tax will not only save those jobs that would be lost—it will create new jobs. Death tax liabilities caused 26 percent of family businesses to reduce capital investments—investments that would have resulted in new jobs. Nearly 60 percent of businesses owners say they would add jobs over the coming year if death taxes were eliminated. Economists predict that repealing the tax would create 200,000 extra jobs every year.

Estate and gift tax collections amounted to less than 1.4 percent of the federal government's current annual budget. This tax is not worth the costs they impose on the economy, family businesses, and individuals. 70 percent of Americans believe this is one of the most unfair taxes. I happen to be one of those 70 percent. I encourage may colleagues to vote to override this veto and end this tax.

Mr. UDALL of Colorado. Mr. Speaker, I originally voted for this bill, but only very reluctantly. I will not vote to override the President's veto.

I am not voting to sustain the veto because I oppose estate-tax relief for family-owned ranches and farms or other small businesses.

In fact, I definitely think we should act to make it easier for their owners to pass them on to future generations. This is important for the whole country, or course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

But there is a better way to do it than by enacting this Republican bill.

That is why I voted for the Democratic alternative when the House originally considered this bill.

That Democratic alternative bill would have provided real, effective relief without the excesses of the Republican bill. It would have raised the estate tax's special exclusion to $4 million for a couple owning a farm or small business. So, under that alternative, a married couple owning a family farm or ranch or a small business worth up to $4 million could pass it on intact with no estate tax whatsoever.

Also, the Democratic alternative actually would have provided more immediate relief to small business and farm owners.

Unlike the Republican bill—which is phased in over 10 years—the Democratic alternative would have taken effect immediately. That means a couple passing on their farm or small business in the near future would avoid more tax under the Democratic plan than under the Republican bill. They would not have to hope to live long enough to see the benefits.

In addition, by increasing the general exclusion from $675,000 to $1.1 million next year, the Democratic alternative would have allowed parents to pass on "millionaire" status to their children without a penny of estate tax burden. And the Democratic alternative also would have lowered estate tax rates by 20% across the board.

So, the Democratic alternative—which I voted for, which deserved adoption, and which would not have been vetoed—would have provided important relief from the estate tax and would have done so in a real, effective, and prompt way.

Furthermore, the Democratic alternative would have provided this relief in a fiscally responsible way that would not jeopardize our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors and pay down the public debt.

By contrast, it is precisely the fiscal overkill of the Republican bill that made me most reluctant to vote for it and that leads me to vote to sustain the President's veto.

As the Rocky Mountain News put it in a September 3rd editorial, "the Republican tax cut is a gamble that the present economic boom isn't going to slow" and is "fiscally irresponsible."

Once fully phased in, the Republican bill would forgo nearly $50 billion a year in revenue with no guarantee that this revenue loss will not harm Social Security and Medicare in future years.

The bill's sponsors say it will cost $28.2 billion over 5 years and $104.5 billion over 10 years. But that is far from the whole story. Because of the way the bill is phased in, its true cost is cleverly hidden and does not show up until after the 10-year budget window.

That means the full effects of the Republican bill will come just at the time when we will have to face budget pressures because my own "baby boom" generation is starting to retire. And if we feel we need to "phase in" H.R. 8 because we cannot afford the full repeal now, how are we ever going to afford it 10 years from now?

We do not need to engage in this fiscal overkill.

According to the Treasury Department, under current law only 2% of all decedents have enough wealth to be subject to the estate tax at all.

To be more specific, the Treasury Department tells me that in 1997 estate-tax returns were filed for only 297 Coloradans.

Furthermore, according to the Treasury Department, of those estates that are affected by the estate tax, only 3%—that is only 6 in 10,000 American estates—were comprised primarily of family-owned small businesses, ranches, or farms.

Looking just at our state, that means that in 1997 fewer than a dozen estate-tax returns were comprised primarily of small businesses, ranches, or farms.

Of course, those numbers only relate to the cases in which an estate tax was actually paid. Clearly, in many other cases families have taken actions to forstall the estate tax. I understand that, and do think that in appropriate cases we should lessen the pressure that prompted some of those actions.

As I said, the Democratic alternative would have provided real, effective, and immediate estate-tax relief to the owners of small businesses, including farms and ranches, and would have done so in a fiscally responsible way. That is why I voted for it.

In contrast, the biggest beneficiaries of the Republican legislation are not these middle-class families who own small ranches or farms or other small businesses, but instead are very wealthy families with very large assets.

Over the past two decades, income and wealth disparities have increased. The Republican bill would increase those wealth disparities. I find this troubling, and it is another reason why I am not voting to override the President's veto.

I greatly regret that on this issue the Republican leadership has rejected bipartisanship. They have opted for confrontation with the President instead of cooperation in crafting a bill that could be signed into law. That is not a course I can support.

Mr. Speaker, if the President's veto is sustained—and I think it will be—we will have another chance to take a better path. I hope that the Republican leadership will decide to reach across the aisle and work to develop a better bill that can be signed before this Congress adjourns. If they do, they will find me ready to help.

Mr. LANTOS. Mr. Speaker, I will vote today to uphold the President's veto of the Estate Tax Elimination Act (H.R. 8).

When this legislation was first considered in the House in June, I strongly supported and voted for the Democratic alternative which was presented by Congressman RANGEL of New York. That proposal called for a significant reduction in the rate of taxation of estates and a 50 percent increase in the small business exclusion. The Rangel proposal was a thoughtful and reasonable effort to deal with the legitimate concerns of small businesses and family farms, but it did not have the problems of the legislation which was being urged by the Republican majority.

When the Rangel substitute was defeated by the House, I nevertheless voted for the adoption of H.R. 8 in order to continue the legislative process. Initial Senate action was much closer to the Rangel substitute, and I expected a House-Senate Conference Committee to produce a bill that I could support.

Unfortunately, Mr. Speaker, the Senate simply accepted the flawed version of the bill as adopted by the House and did not make those changes that would improve the legislation. President Clinton was right to veto this bill, and I will vote to sustain that veto.

Mr. Speaker, I urge my colleagues in the Republican leadership of this House to work with the Democratic leadership and with the President to craft legislation that deals with the legitimate problems of estate taxation and that provides the relief small businesses need. We need to deal with legitimate problems with the federal estate tax, but this bill is clearly the wrong way to do that.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of overriding the President's veto of H.R. 8, the death tax Elimination Act of 2000 and I urge my colleagues to lend this effort their support.

The estate tax is an outmoded policy that has long outlived its usefulness. Alternatively known as the death tax, this tax was instituted in 1916 to prevent too much wealth from congregating with the wealthy capitalist families in early 20th century America. Regrettably, the law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys that the middle-class cannot afford.

In recent years, the estate tax has been responsible for the death of 85% of American small business by the third generation. Furthermore, countless number of farms have had to be sold in order to pay an outrageously high estate tax, ranging as high as 55% of the farms assessed value.

By forcing the sale of such farmland to outside buyers, often commercial developers, the estate tax has been a major contributor to suburban sprawl and unchecked growth in my congressional district in southern New York.

The most indefensible point about the estate tax, however, is the cost associated with enforcing and collecting at 65 cents out of every dollar taken in.

Given this cost, as well as the fact that the assets taxed under the estate tax have often already been taxed several times, it makes no sense to continue this illogical practice. Family-owned small businesses certainly would do better without the tax, as would family farms that still operate from generation to generation.

Accordingly, I urge my colleagues to join in supporting this veto override.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the override of H.R. 8. I am disappointed that Congress has been incapable of passing a measure to provide fiscally sound estate tax relief that could be signed into law this year.

During consideration of H.R. 8, I supported the Rangel Substitute Amendment, legislation that would have immediately cut all estate tax rates by 20% immediately and would have eliminated any estate tax for more than half of the people with the smallest estates who otherwise would have to pay some estate tax. The special exclusion that applies to estates would be increased to $1.1 million in 2001, not 2006 as under current law. Moreover, under this measure, 99% of family-owned small businesses and farms would be exempted from estate tax by increasing the special exclusion to $4 million per couple for small businesses and family-owned farms. Thus, rather than applying to the top 2% of all estates, only the top 1% would be subject to any tax. The cost of this measure would be $22 billion over ten years.

Current law exempts from federal tax all estates up to $675,000 in 2000. This exemption will rise to $1,000,000 by 2006, with any federal estate tax applying only to the current value in excess of this amount. Estates in excess of the exemption are taxed at a marginal rate of between 18 and 55 percent. Furthermore, current law provides for closely-held, non-public businesses and farms to receive an exemption of $1.3 million before being subject to any federal estate tax. For estates owned by married couples, this exemption is $2.6 million. And, family farms are exempt from any tax for ten years, if the heirs continue to operate the farm. Estates passed onto a spouse are not subject to tax.

Complete repeal of the estate tax is skewed to give only the wealthiest 2% of families in America the largest tax cuts and would actually give less relief to smaller estates than the Democratic alternative for at least the first five years. Ninety-eight percent of Americans would see no benefit from H.R. 8, while 330 estates, valued at more than $20 million each, would see a tax benefit of approximately $10,530,850. It is a myth that H.R. 8 will enhance protections for small businesses and farms. Only about 3% of the total number of family-owned businesses and farms are subject to the estate tax according to the Treasury Department. It has been estimated that fewer than one in 20 farms will have to pay the estate tax upon the death of the owner. This is due, in large part to the passage in 1997 of the Taxpayer Relief Act (P.L. 105–34) which raised the effective deduction for qualified family-owned business interests to $1.3 million per individual, which exempts almost all family farms and small businesses. Moreover, the few businesses and farms that are subject to the estate tax can make payments in installments over fourteen years at below-market interest rates.

But, repeal of the estate tax will result in a revenue loss of $105 billion in the first ten years, rising to an annual loss of $50 billion by 2011 and the cost in the second ten years would be at least $750 billion. Thus, over twenty years, the total cost of H.R. 8, including extra interest, will be more than $1.0 trillion. Where does the Majority propose to make up the difference? How do they propose to pay for other priorities like Medicare, Social Security and improvements to education?

Mr. Speaker, here we are, in the waning days of this Congress, no closer to providing a prescription drug benefit in Medicare or a Patients' Bill of Rights and having done nothing to further strengthen Social Security or Medicare or eliminate the federal debt by 2012. As a member of the Budget Committee, I continue to advocate that Congress preserve the budget surplus and use it to pay off the national debt while strengthening Social Security. The $3.7 trillion dollar public debt is a tremendous burden on the economy. H.R. 8 jeopardizes our ability to protect Social Security and Medicare and pay down the national debt by creating a revenue loss, when executed, in excess of half a trillion dollars over ten years.

Mr. Speaker, I agree that there are many areas in our tax code warranting reform, including the estate tax, but to start here, with a repeal of tax that only affects the top 2% of all Americans is clearly not a correct priority. I have supported a plan to provide real relief, faster and more fiscally prudent. But, unfortunately, the Majority is more interested in sound bites than sound policy.

Mr. GARY MILLER of California. Mr. Speaker, I rise to urge my colleagues to override President's Clinton's nonsensical veto of H.R. 8, the ''Death Tax Elimination Act.''

Repealing the death tax would offer significant tax relief to working families and farmers throughout our nation. In my State of California, 80% of our economy's jobs are created as a direct result of small businesses. For these working Americans, H.R. 8 will ensure future prosperity for their families and the individuals their business employs.

In addition to being a financial burden, the death tax is morally wrong. Throughout our lives, we are taxed every time we turn on the light, flush the toilet, earn an income, and even when we die. Taxing one's estate—property which has been subject to property taxes, capital gains taxes, and purchased with net income—is nothing more than double taxation. How can we, the legislators of the freest country in the world, justify this?

Most importantly, our budget can afford this tax relief. Don't be fooled by the rhetoric coming from the other end of Pennsylvania Avenue. Even when combined with the marriage penalty tax relief, these two tax cuts represent only 2% of our surplus.

Losing a loved one is tough enough. Let's make the grieving process a little bit easier by taking the IRS out of the funeral.

Mrs. MINK of Hawaii. Mr. Speaker, I will vote to override the President's veto of H.R. 8, the Estate Tax bill not because I favor repeal of the estate tax, but to send a message to the Democratic and Republican leadership that both sides must work to strike a compromise and pass a bill to reform the estate tax.

Clearly the estate tax has a deleterious effect on successful persons who hope to pass along homes to their children. In my State of Hawaii, property values are highly inflated and properties which would not result in any estate tax on the mainland are subject to estate tax in Hawaii. In 1997, the last year for which statistics are available, 2.5 percent of estates in Hawaii were subject to Federal estate taxes, compared to only 1.9 percent nationwide.

When H.R. 8 was originally considered, I first voted for the Democratic substitute which would have raised the exemption to $4 million, lowered the tax rate and taken effect immediately. The Republican bill would not take full effect for ten years and it did nothing to lower rates. That is too long for many people.

We need to raise the exemption for estates to $4 million or more, lower the tax rate and make the changes effective immediately. There is plenty of room for compromise between the two positions. Both sides must compromise, the Democrats as well as the Republicans.

Mr. KIND. Mr. Speaker, I rise today to oppose, HR 8, the Estate Tax Repeal.

The Leadership has scheduled a vote to attempt to override the president's veto of H.R. 8 in hope that they can take the backdoor route to enact the first installment of their $2 trillion dollars of tax cuts that favor the wealthy over the working families. If this complete repeal of the estate taxes is adopted, it would provide $200 billion of tax relief to the wealthiest 400 individuals in this country. Not only is this not fair it will make it harder to meet our existing obligations such as paying off the 5–7 trillion dollar national debt, saving Social Security, investing in education and modernizing Medicare to provide a prescription drug benefit.

If the leadership were serious about providing estate tax relief to small businesses and family farms, they would have worked for a truly bipartisan estate tax that all members of

Congress would have supported and the president would have signed into law. There will be no estate tax relief, however, if the leadership is not willing to compromise.

With only 19 days remaining in this legislative session, why are we wasting our time debating a bill that benefits the few and prevents us from taking meaningful action on prescription drugs, a Patient's bill of Rights, school construction, and a modest increase in the minimum wage?

I believe we should provide relief to family farms and small businesses and that is why I supported the Rangel alternative that was offered during debate in July. This alternative would have provided fiscally responsible estate tax relief to all small business and family farms starting Jan. 1, 2001. Specifically, it would have immediately raised the special exclusion from the estate tax from $675,000 to $4 million for a couple owning a farm or small business and would have lowered the estate tax rates by 20% across the board.

Unfortunately, congressional leaders opposed this alternative and now continue to waste our time and the taxpayers money debating an estate tax bill that is doomed to fail, only to be used for political purposes during an election year.

Mr. Speaker, I hope we can still reach a compromise on tax relief. But we need sensible tax cuts that stay within a budget and go to working families. As Secretary Summers stated, ''in this new era of surpluses, Congress faces profound economic choices that will affect all Americans. There is a strong case for targeted relief, but to put repeal ahead of increasing the minimum wage, putting in place a Patients' bill of Rights, giving tax relief for middle-income families, and strengthening Medicare and Social Security would be to sacrifice the economic interests of most Americans.''

Mr. Speaker, I urge my colleagues to vote against H.R. 8. Any tax cut must be done in a fiscally responsible manner, and not derail the opportunity we have to reduce our large national debt, and prepare for our future obligations to our aging population.

Mr. WELDON of Florida. Mr. Speaker, I rise to express disappointment over Mr. Clinton's veto of the bipartisan bill to eliminate the death tax and vowed to work to override the veto once the bill is returned to the House for consideration. Death tax repeal legislation was passed in the House with a strong bipartisan vote (279–136) in June.

This bill would help working Americans who have built up family owned small businesses or family farms. I am pleased with the broad support this repeal legislation received across the political spectrum and I hope this will help us override this ill-advised veto.

The death tax unfairly forces many working families to sell the family businesses or a family farm just to pay the exorbitant taxes. This is a confiscatory tax that takes half of what someone has spent a lifetime building. When this bill becomes law, it will disinvite the Internal Revenue Service to the funeral.

Mr. Clinton and Mr. GORE have injected class warfare into this debate. But they must come to realize that this tax is burdensome to all small business owners, including many first generation minority-owned and women-owned businesses. Small business owners have spent years building up family businesses in the hopes of passing them down to their children. The death tax kills these dreams. It forces these families to completely start over.

Repealing this tax will also help preserve open spaces. As cities encroach on agricultural lands, the estate tax forces most of these families to sell the farm to developers in order to pay the death taxes. Passing the death tax repeal will help us preserve these open spaces.

According to the National Federation of Independent Businesses (NFIB), more than 70 percent of small businesses do not survive the second generation and 87 percent do not make it to the third generation. Sixty percent of small-business owners report that they would create new jobs over the coming year if estate taxes were eliminated.

Repealing this unfair tax would help preserve small businesses, farms, and open spaces. It would keep family businesses together. It would keep family farms in families. It would create new jobs. Let's pass this repeal.

Mr. SMITH of Texas. Mr. Speaker, the death tax really amounts to a double or triple tax. People have already paid a tax on the income they have earned and then they have paid a tax on any gains they have made from investments or interest they have earned from savings and then the death tax hits them again.

It's the wrong tax at the wrong time on the wrong people.

Opponents say repeal of the death tax is not necessary because it affects relatively few estates and there is an exemption for the first $675,000 of an estate. What they will not tell you is that any business with five or ten employees is usually worth more than that amount. And any farm or ranch that is relied upon by an individual as their sole source of income is going to be worth more than that amount, too.

Hard working Americans deserve to be able to leave on the results of their lifetime labor to their children or others. Small businesses and farms and ranches should not have to be sold simply because the owner passes away.

Mr. BLUMENAUER. Mr. Speaker, today's debate is really one of priorities and fiscal discipline, not the estate tax. There is no question that the inheritance tax is badly in need or reform. Since I came to Congress, I have supported increasing the exemption, adjustments for inflation, modification of rates, and protections for closely-held and family businesses. That approach would gain the support of the vast majority of my colleagues, and would also offer more immediate and more reliable relief than a phased-in repeal that could be halted at the first sign of economic trouble.

By contrast, the bill the President vetoed contained much less than met the eye—and much less than those who own businesses, woodlots and farms deserve. Far from offering predictability, certainly and immediate relief, this proposal promised only a roll of the dice, continuing current inequities over a ten-year period and inviting future freezes and reversals.

More fundamentally, since I have been in Congress, I have been dismayed by our eagerness to act on the problems of those who need help the least, while ignoring those who need help the most. We have put the needs of children, senior citizens and working families of modest means on hold. For example, congress has proposed repealing the ''death tax'' that affects a few hundred of America's wealthiest people, but has done nothing to address the ''life tax'' that affects the poorest of the 1.6 million people—22 percent of America's elderly—in nursing homes. They cannot receive assistance with their nursing home costs, which run $46,000 on average, unless they ''spend down'' their non-housing assets to less than $2,000. This policy imposes financial hardship on the most vulnerable before they die—300,000 people in 1998 alone—and in some cases exacts on extraordinary cruel emotional toll, as when long-married couples are counseled to seek divorce.

Congress has done nothing to help the 1/3 of our poorest senior citizens who have not prescription drug coverage and pay the highest drug prices in the world. Nor has Congress addressed the health insurance needs of 11 million uninsured children. A study by the Oregon Center for Public Policy found that, despite an extraordinarily strong economy, working Oregonians were basically no better off than they had been ten or 20 years ago. One in seven working families with children is poor, and one in nine faces hunger at some point during the year.

This is part of a huge tax reduction that makes it harder to meet our long-term priorities while ignoring the needs of most American families. I do not believe that anyone should ever have to sell a family business because a principal has died. Nor do I believe that elderly Americans should have to divorce their spouses in order to afford a nursing home, or that parents should have to choose between providing food or health care for their children. If Congress acts responsibly, we can solve these problems. The President is correct in resisting a series of tax cuts that favor those who need help the least until there is equal attention to the plight of those who need our help the most.

Mr. KNOLLENBERG. Mr. Speaker, the Estate tax is one of the most egregious examples of bad tax policy in Washington. It's unfair, unseemly and economically unsound. Under the guise of making the rich pay their fair share, the death tax has a negative impact on the economy and hurts ordinary Americans. Ironically, those most affected by the death tax are not the wealthy, who have resources to shelter their assets as well as incentive to simply spend their wealth while they are alive but family owned businesses.

The death tax is one of the major reasons businesses don't survive because owners are forced to sell their businesses in order to pay the tax. Less than half of all family owned businesses survive the death of a founder and only 5% survive to the third generation.

The death tax forces businesses to divert money from productive uses such as capital investment and job creation to estate planning. Sixty percent of small businesses owners report they would create new jobs over their coming year if estate taxes were eliminated.

With the nation's savings rate at a record low, we should be encouraging savings, not

punishing it. Americans should not be taxed for working hard to pass their wealth on to their children so that they may have a better life. This legislation will help the American people and the American economy. I urge the President to reconsider and sign this bill into law.

Mr. BEREUTER. Mr. Speaker, this Member rises today to oppose the veto override of H.R. 8, the Estate Tax Elimination Act of 2000. This Member does not support the complete repeal of the Federal inheritance tax for the wealthiest Americans—billionaires and mega-millionaires.

On June 9, 2000, this Member voted for H.R. 8 based on his desire to move the inheritance tax reform process forward by dramatically increasing the Federal inheritance tax exemption level. In this Member's statement in the CONGRESSIONAL RECORD on June 9, 2000, he indicated that if a conference report did not change from the House-passed bill, this Member would vote no. But, of course, the Senate passed the House bill, and there was no conference report. Accordingly, this Member has given his word in writing that he would not vote for such a bill to become law. This Member cannot break his promise to his constituents.

If the Presidential veto is sustained, it is this Member's hope that meaningful legislation could be passed this year which would increase dramatically the exemption level to the Federal inheritance tax and would also provide a reduction in Federal inheritance tax rates for all those who pay this tax whether they are subject to the highest inheritance tax rate (55%) or the lowest inheritance tax rate (18%).

This Member is a long-term advocate of inheritance tax reduction, especially in regard to protecting small businesses and family farms and ranches. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small business and family farms and ranches when they attempt to pass this estate from one generation to the next.

Accordingly, to demonstrate this Member's very real support for inheritance tax reform, this Member supported the Taxpayer Relief Act if 1997 which passed on July 31, 1997. This Act phased-in an increase in the unified credit exemption from the current level of $675,000 to $1.0 million in 2006. Also, it provided an immediate exclusion of $1.3 million (not in addition to the broader exclusion) for a limited variety of eligible closely-held family farms and businesses.

At the current time, this Member does not support the complete elimination of inheritance taxes. It would be a great political error and controversy to eliminate the inheritance tax on people like Steve Forbes or other billionaires or mega-millionaires. Also, it would discourage some of the largest of the charitable contributions and the establishment of charitable foundations. The benefits of these foundations to American society are invaluable. Our universities and colleges, too, would see a very marked reduction in the gifts they receive if the inheritance tax on the wealthiest Americans was totally eliminated. Despite the legal talents the super-rich can afford, such an inheritance tax change would have major consequence. The total elimination of the inheritance tax is a bad idea.

This Member's past vote for this legislation was a demonstration of his desire to move the inheritance tax reform process forward by increasing dramatically the exemption level to the Federal inheritance tax. There is overwhelming support among his constituents for this kind of reform.

It is important to remind constituents that Congress did pass into law the Taxpayer Relief Act of 1997, with this Member's support. This Act phased-in an increase in the unified credit exemption from the current 2000 level of $675,000 to $1.0 million in 2006. Also, it provided an immediate exclusion of $1.3 million (not in addition to the broader exclusion) for a limited variety of eligible closely-held family farms and businesses.

Specifically, this Member does not support repealing the inheritance tax, with the final step completed in this legislation to zero percent inheritance tax from the year 2009 to the year 2010 as proposed. Instead, this Member prefers the Ewing approach which he enthusiastically supports. This Member is an original cosponsor of H.R. 4112 which was introduced by the distinguished gentleman from Illinois (Mr. Ewing) on March 29, 2000. This measure (H.R. 4112) would immediately increase the Federal inheritance tax exemption from a rate of $675,000 to $5 million and would then increase this exemption annually over the next three years until it reaches a total of $10 million in 2003. After reaching the $10 million level in 2003, the exemption would be indexed annually thereafter to account for inflation. Essential inheritance tax relief is provided by H.R. 4112 for even wealthy business and farm families. This Member is even willing to raise the exemption level beyond $10 million to, for example, $15 million.

By the way, most Nebraskans pay more state inheritance taxes than Federal inheritance or estate taxes so Nebraskans should also consider pushing for reductions or reforms in their state taxes.

Again, Mr. Speaker, for the aforementioned reasons, this Member rises today to oppose the veto override of H.R. 8, the Estate Tax Elimination Act of 2000.

Mr. PAUL. Mr. Speaker, I am pleased to rise in support of the Social Security Tax Relief Act (H.R. 4865). By repealing the 1993 tax increase on Social Security benefits, Congress will take a good first step toward eliminating one of the most unfair taxes imposed on seniors: the tax on Social Security benefits.

Eliminating the 1993 tax on Social Security benefits has long been one of my goals in Congress. In fact, I introduced legislation to repeal this tax increase in 1997, and I am pleased to see Congress acting on this issue. I would remind my colleagues that the justification for increasing this tax in 1993 was to reduce the budget deficit. Now, President Clinton, who first proposed the tax increase, and most members of Congress say the deficit is gone. So, by the President's own reasoning, there is no need to keep this tax hike in place.

Because Social Security benefits are financed with tax dollars, taxing these benefits is yet another incidence of "double taxation." Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a "shell game" which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs and mask the true size of the federal deficit.

Mr. Speaker, the Social Security Tax Relief Act, combined with our action earlier this year to repeal the earnings limitation, goes a long way toward reducing the burden imposed by the Federal Government on senior citizens. However, I hope my colleagues will not stop at repealing the 1993 tax increase, but will work to repeal all taxes on Social Security benefits. I am cosponsoring legislation to achieve this goal, H.R. 761.

Congress should also act on my Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security Trust Fund is spent solely on Social Security. When the government takes money for the Social Security Trust Fund, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting the Social Security Benefits Tax Relief Act (H.R. 4865). I also urge my colleagues to join me in working to repeal all taxes on Social Security benefits and ensuring that moneys from the Social Security trust fund are used solely for Social Security and not wasted on frivolous government programs.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 274, nays 157, not voting 4, as follows:

[Roll No. 458]

YEAS—274

Abercrombie	Barcia	Biggert
Aderholt	Barr	Bilbray
Andrews	Barrett (NE)	Bilirakis
Archer	Bartlett	Bishop
Armey	Barton	Blagojevich
Bachus	Bass	Bliley
Baird	Bateman	Blunt
Baker	Berkley	Boehlert
Ballenger	Berry	Boehner

Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—157

Ackerman
Allen
Baca
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—4

Greenwood
Jefferson
Vento
Young (AK)

□ 1602

Ms. KAPTUR and Mr. HILLIARD changed their vote from ''yea'' to ''nay.''

Mr. FORD changed his vote from ''nay'' to ''yea.''

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The message and the bill is referred to the Committee on Ways and Means.

The Clerk will notify the Senate of the action of the House.

MAKING IN ORDER A MOTION TO SUSPEND THE RULES ON TODAY

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to authorize the Speaker to entertain a motion to suspend the rules and pass H.R. 4844 today.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there any objection to the request of the gentleman from Pennsylvania?

There was no objection.

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4844) to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries, as amended.

The Clerk read as follows:

H.R. 4844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Railroad Retirement and Survivors' Improvement Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

Sec. 101. Expansion of widow's and widower's benefits.
Sec. 102. Retirement age restoration.
Sec. 103. Vesting requirement.
Sec. 104. Repeal of railroad retirement maximum.
Sec. 105. Investment of railroad retirement assets.
Sec. 106. Elimination of supplemental annuity account.
Sec. 107. Transfer authority revisions.
Sec. 108. Annual ratio projections and certifications by the Railroad Retirement Board.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Sec. 201. Amendments to the Internal Revenue Code of 1986.
Sec. 202. Exemption from tax for Railroad Retirement Investment Trust.
Sec. 203. Repeal of supplemental annuity tax.
Sec. 204. Employer, employee representative, and employee tier 2 tax rate adjustments.

TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974

SEC. 101. EXPANSION OF WIDOW'S AND WIDOWER'S BENEFITS.

(a) IN GENERAL.—Section 4(g) of the Railroad Retirement Act of 1974 is amended by adding at the end the following new subdivision:

''(10)(i) If for any month the unreduced annuity provided under this section for a widow or widower is less than the widow's or widower's initial minimum amount computed pursuant to paragraph (ii) of this subdivision, the unreduced annuity shall be increased to that initial minimum amount. For the purposes of this subdivision, the unreduced annuity is the annuity without regard to any deduction on account of work, without regard to any reduction for entitlement to an annuity under section 2(a)(1) of this Act, without regard to any reduction for entitlement to a benefit under title II of the Social Security Act, and without regard to any reduction for entitlement to a public service pension pursuant to sections 202(e)(7), 202(f)(2), or section 202(g)(4) of the Social Security Act.

''(ii) For the purposes of this subdivision, the widow or widower's initial minimum amount is the amount of the unreduced annuity computed at the time an annuity is awarded to that widow or widower, except that—

''(A) in subsection (g)(1)(i) '100 per centum' shall be substituted for '50 per centum'; and

''(B) in subsection (g)(2)(ii) '130 per centum' shall be substituted for '80 per centum' both places it appears.

''(iii) If a widow or widower who was previously entitled to a widow's or widower's

annuity under section 2(d)(1)(ii) of this Act becomes entitled to a widow's or widow's annuity under section 2(d)(1)(i) of this Act, a new initial minimum amount shall be computed at the time of award of the widow's or widower's annuity under section 2(d)(1)(i) of this Act.''.

(b) EFFECTIVE DATE.—

(1) GENERALLY.—The amendment made by this section shall take effect January 1, 2001 and shall apply to annuity amounts accruing for months after December 2000 in the case of annuities awarded on or after that date and in the case of annuities awarded before that date if the annuity amount under section 4(g) of the Railroad Retirement Act was computed under section 4(g), as amended by Public Law 97–35.

(2) SPECIAL RULE FOR ANNUITIES AWARDED BEFORE JANUARY 1, 2001.—In applying the amendments made by this section to annuities awarded before January 1, 2001, the calculation of the initial minimum amount under new section 4(g)(10)(ii) of the Act shall be made as of the date of award of the widow's or widower's annuity.

SEC. 102. RETIREMENT AGE RESTORATION.

(a) EMPLOYEE ANNUITIES.—Section 3(a)(2) of the Railroad Retirement Act of 1974 is amended by inserting after ''(2)'' the following: ''For purposes of this subsection, individuals entitled to an annuity under section 2(a)(1)(ii) of this Act shall, except for the purposes of recomputations in accordance with section 215(f) of the Social Security Act, be deemed to have attained retirement age (as defined by section 216(l) of the Social Security Act).''.

(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4(a)(2) of the Railroad Retirement Act of 1974 is amended by striking ''if an'' and all that follows through ''section 2(c)(1) of this Act'' and inserting ''a spouse entitled to an annuity under section 2(c)(1)(ii)(B) of this Act''.

(c) CONFORMING REPEALS.—Sections 3(a)(3), 4(a)(3), and 4(a)(4) of the Railroad Retirement Act are repealed.

(d) EFFECTIVE DATES.—

(1) GENERALLY.—Except as provided in paragraph (2), the amendments made by this section shall apply to annuities that begin to accrue on or after January 1, 2001.

(2) EXCEPTION.—The amount of the annuity provided for a spouse under section 4(a) shall be computed under section 4(a)(3), as in effect before the date of the enactment of this section, if the annuity amount provided under section 3(a) for the individual on whose employment record the spouse annuity is based was computed under section 3(a)(3), as in effect before the date of the enactment of this section.

SEC. 103. VESTING REQUIREMENT.

(a) CERTAIN ANNUITIES FOR INDIVIDUALS.—Section 2(a) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting in subdivision (1) ''or, for purposes of paragraphs (i), (iii), and (v), five years of service, all of which accrues after December 31, 1995,'' after ''ten years of service'', and

(2) by adding at the end the following:

''(4) An individual who is entitled to an annuity under paragraph (v) of subdivision (1), but who does not have at least ten years of service, shall, prior to the month in which the individual attains age 62, be entitled only to an annuity amount computed under section 3(a) of this Act (without regard to section 3(a)(2) of this Act) or section 3(f)(3) of this Act. Upon attainment of age 62, such an individual may also be entitled to an annuity amount computed under section 3(b), but such annuity amount shall be reduced for early retirement in the same manner as if the individual were entitled to an annuity under section 2(a)(1)(iii).''.

(b) COMPUTATION RULE FOR INDIVIDUALS' ANNUITIES.—Section 3(a) of the Railroad Retirement Act of 1974, as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

''(3) If an individual entitled to an annuity under section 2(a)(1)(i) or (iii) of this Act on the basis of less than ten years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(a)(1)(i) or (iii) of this Act, the annuity amount provided such individual under this subsection, shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the date on which the individual first met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.

(c) SURVIVORS' ANNUITIES.—Section 2(d)(1) of the Railroad Retirement Act of 1974 is amended by inserting ''or five years of service, all of which accrues after December 31, 1995,'' after ''ten years of service''.

(d) LIMITATION ON ANNUITY AMOUNTS.—Section 2 of the Railroad Retirement Act of 1974 is amended by adding at the end the following:

''(i) An individual entitled to an annuity under this section who has completed five years of service, all of which accrues after 1995, but who has not completed ten years of service, and the spouse, divorced spouse, and survivors of such individual, shall not be entitled to an annuity amount provided under section 3(a), section 4(a), or section 4(f) of this Act unless the individual, or the individual's spouse, divorced spouse, or survivors, would be entitled to a benefit under the Social Security Act on the basis of the individual's employment record under both the Railroad Retirement Act and the Social Security Act.''.

(e) COMPUTATION RULE FOR SPOUSES' ANNUITIES.—Section 4(a) of the Railroad Retirement Act of 1974, as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:

''(3) If a spouse entitled to an annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), or section 2(c)(2) of this Act or a divorced spouse entitled to an annuity under section 2(c)(4) of this Act on the basis of the employment record of an employee who will have completed less than 10 years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), section 2(c)(2), or section 2(c)(4) of this Act, the annuity amount provided under this subsection shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the first date on which the annuitant met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.

(f) APPLICATION DEEMING PROVISION.—Section 5(b) of the Railroad Retirement Act of 1974 is amended by striking the second sentence and inserting the following: ''An application filed with the Board for an employee annuity, spouse annuity, or divorced spouse annuity on the basis of the employment record of an employee who will have completed less than ten years of service shall be deemed to be an application for any benefit to which such applicant may be entitled under this Act or section 202(a), section 202(b), or section 202(c) of the Social Security Act. An application filed with the Board for an annuity on the basis of the employment record of an employee who will have completed ten years of service shall, unless the applicant specified otherwise, be deemed to be an application for any benefit to which such applicant may be entitled under this Act or title II of the Social Security Act.''.

(g) CREDITING SERVICE UNDER THE SOCIAL SECURITY ACT.—Section 18(2) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting ''or less than five years of service, all of which accrues after December 31, 1995,'' after ''ten years of service'' every place it occurs; and

(2) by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten or more years of service''.

(h) AUTOMATIC BENEFIT ELIGIBILITY ADJUSTMENTS.—Section 19 of Railroad Retirement Act of 1974 is amended—

(1) by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten years of service'' in subsection (c); and

(2) by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten years of service'' in subsection (d)(2).

(i) CONFORMING AMENDMENTS.—

(1) Section 6(e)(1) of the Railroad Retirement Act of 1974 is amended by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten years of service''.

(2) Section 7(b)(2) of the Railroad Retirement Act of 1974 is amended by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten years of service''.

(3) Section 205(i) of the Social Security Act is amended by inserting ''or five or more years of service, all of which accrues after December 31, 1995,'' after ''ten years of service''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 2001.

SEC. 104. REPEAL OF RAILROAD RETIREMENT MAXIMUM.

(a) EMPLOYEE ANNUITIES.—Section 3(f) of the Railroad Retirement Act of 1974 is amended by striking paragraph (1).

(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4 of the Railroad Retirement Act of 1974 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective January 1, 2001, and shall apply to annuity amounts accruing for months after December 2000.

SEC. 105. INVESTMENT OF RAILROAD RETIREMENT ASSETS.

(a) ESTABLISHMENT OF RAILROAD RETIREMENT INVESTMENT TRUST.—Section 15 of the Railroad Retirement Act of 1974 is amended by inserting after subsection (i) the following:

''(j) RAILROAD RETIREMENT INVESTMENT TRUST.—

''(1) ESTABLISHMENT.—The Railroad Retirement Investment Trust (hereinafter in this

subsection referred to as the 'Trust') is hereby established. The Trust shall manage and invest the assets of the Railroad Retirement Trust Fund (hereinafter in this section referred to as the ''Fund'', which is hereby established as a trust organized in the District of Columbia and shall, to the extent not inconsistent with this Act, be subject to the laws of the District of Columbia applicable to such trusts.

''(2) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—The Trust is not a department, agency, or instrumentality of the Government of the United States and shall not be subject to title 31, United States Code.

''(3) BOARD OF TRUSTEES.—

''(A) GENERALLY.—The Trust shall have a Board of Trustees, consisting of 7 members, each appointed by a unanimous vote of the Railroad Retirement Board. The Railroad Retirement Board may remove any member so appointed by unanimous vote. Of the 7 members, 3 shall represent the interests of labor, 3 shall represent the interests of management, and 1 shall represent the interests of the general public. The members of the Board of Trustees shall not be considered officers or employees of the Government of the United States.

''(B) QUALIFICATIONS.—Members of the Board of Trustees shall be appointed only from among persons who have experience and expertise in the management of financial investments and pension plans. No member of the Railroad Retirement Board shall be eligible to be a member of the Board of Trustees.

''(C) TERMS.—Except as provided in this subparagraph, each member shall be appointed for a 3-year term. The initial members appointed under this paragraph shall be divided into 3 equal groups so nearly as may be, of which one group will be appointed for a 1-year term, one for a 2-year term, and one for a 3-year term. A vacancy in the Board of Trustees shall not affect the powers of the Board of Trustees and shall be filled in the same manner as the selection of the member whose departure caused the vacancy. Upon the expiration of a term of a member of the Board of Trustees, that member shall continue to serve until a successor is appointed.

''(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—

''(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;

''(B) retain independent investment managers to invest the assets of the Fund in a manner consistent with such investment guidelines;

''(C) invest assets in the Fund, pursuant to the policies adopted in subparagraph (A);

''(D) pay administrative expenses of the Fund and the Trust from the money in the Fund; and

''(E) transfer money to the disbursing agent to pay benefits payable under this Act from money in the Fund and administrative expenses related to those benefits.

''(5) REPORTING REQUIREMENTS AND FIDUCIARY STANDARDS.—The following reporting requirements and fiduciary standards shall apply with respect to the Railroad Retirement Trust and the Railroad Retirement Trust Fund (and the assets held in such Trust Fund):

''(A) DUTIES OF THE BOARD OF TRUSTEES.—The Railroad Retirement Trust and each member of the Board of Trustees shall discharge their duties with respect to the assets of the Fund solely in the interest of the Railroad Retirement Board and through it, the participants and beneficiaries of the programs funded under this Act—

''(i) for the exclusive purpose of—

''(I) providing benefits to participants and their beneficiaries; and

''(II) defraying reasonable expenses of administering the functions of the Trust;

''(ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

''(iii) by diversifying investments so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

''(iv) in accordance with Trust governing documents and instruments insofar as such documents and instruments are consistent with this Act.

''(B) PROHIBITIONS WITH RESPECT TO MEMBERS OF THE BOARD OF TRUSTEES.—No member of the Board of Trustees shall—

''(i) deal with the assets of the Fund in the trustee's own interest or for the trustee's own account;

''(ii) in an individual or in any other capacity act in any transaction involving the assets of the Fund on behalf of a party (or represent a party) whose interests are adverse to the interests of the Trust, the Fund, the Railroad Retirement Board, or the interests of participants or beneficiaries; or

''(iii) receive any consideration for the trustee's own personal account from any party dealing with the assets of the Fund.

''(C) EXCULPATORY PROVISIONS AND INSURANCE.—Any provision in an agreement or instrument that purports to relieve a trustee from responsibility or liability for any responsibility, obligation or duty under this Act shall be void: *Provided, however*, That nothing shall preclude—

''(i) the Trust from purchasing insurance for its trustees or for itself to cover liability or losses occurring by reason of the act or omission of a trustee, if such insurance permits recourse by the insurer against the trustee in the case of a breach of a fiduciary obligation by such trustee;

''(ii) a trustee from purchasing insurance to cover liability under this section from and for his own account; or

''(iii) an employer or an employee organization from purchasing insurance to cover potential liability of one or more trustees with respect to their fiduciary responsibilities, obligations, and duties under this section.

''(D) BONDING.—Every trustee and every person who handles funds or other property of the Fund (hereafter in this subsection referred to as 'Trust official') shall be bonded. Such bond shall provide protection to the Fund against loss by reason of acts of fraud or dishonesty on the part of any Trust official, directly or through the connivance of others, and shall be in accordance with the following:

''(i) The amount of such bond shall be fixed at the beginning of each fiscal year of the Trust by the Railroad Retirement Board. Such amount shall not be less than 10 percent of the amount of the funds handled. In no case shall such bond be less than $1,000 nor more than $500,000, except that the Railroad Retirement Board, after consideration of the record, may prescribe an amount in excess of $500,000, subject to the 10 per centum limitation of the preceding sentence.

''(ii) It shall be unlawful for any Trust official to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of the Fund without being bonded as required by this subsection and it shall be unlawful for any Trust official, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any Trust official, with respect to whom the requirements this subsection have not been met.

''(iii) It shall be unlawful for any person to procure any bond required by this subsection from any surety or other company or through any agent or broker in whose business operations such person has any control or significant financial interest, direct or indirect.

''(E) AUDIT AND REPORT.—

''(i) The Trust shall annually engage an independent qualified public accountant to audit the financial statements of the Fund.

''(ii) The Trust shall submit an annual management report to the Congress not later than 180 days after the end of the Trust's fiscal year. A management report under this subsection shall include—

''(I) a statement of financial position;

''(II) a statement of operations;

''(III) a statement of cash flows;

''(IV) a statement on internal accounting and administrative control systems;

''(V) the report resulting from an audit of the financial statements of the Trust conducted under subparagraph (E)(i); and

''(VI) any other comments and information necessary to inform the Congress about the operations and financial condition of the Trust and the Fund.

''(iii) The Trust shall provide the President, the Railroad Retirement Board, and the Director of the Office of Management and Budget a copy of the management report when it is submitted to Congress.

''(F) ENFORCEMENT.—The Railroad Retirement Board may bring a civil action—

''(i) to enjoin any act or practice by the Railroad Retirement Investment Trust, its Board of Trustees or its employees or agents that violates any provision of this Act; or

''(ii) to obtain other appropriate relief to redress such violations, or to enforce any provisions of this Act.

''(6) RULES AND ADMINISTRATIVE POWERS.—The Board of Trustees shall have the authority to make rules to govern its operations, employ professional staff, and contract with outside advisers to provide legal, accounting, investment advisory or other services necessary for the proper administration of this subsection. In the case of contracts with investment advisory services, compensation for such services may be on a fixed contract fee basis or on such other terms and conditions as are customary for such services.

''(7) QUORUM.—Five members of the Board of Trustees constitute a quorum to do business. Investment guidelines must be adopted by a unanimous vote of the entire Board of Trustees. All other decisions of the Board of Trustees shall be decided by a majority vote of the quorum present. All decisions of the Board of Trustees shall be entered upon the records of the Board of Trustees.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS GOVERNING INVESTMENTS.—Subsection 15(e) of the Railroad Retirement Act of 1974 is amended—

(1) beginning in the first sentence, by striking '', the Dual Benefits Payments Account'' and all that follows through ''may be made only'' in the second sentence and inserting ''and the Dual Benefits Payments Account as are not transferred to the Railroad Retirement Investment Trust as the Board may determine'';

(2) by striking ''the Second Liberty Bond Act, as amended'' and inserting ''chapter 31 of title 31''; and

(3) by striking ''the foregoing requirements'' and inserting ''the requirements of this subsection''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this section.

SEC. 106. ELIMINATION OF SUPPLEMENTAL ANNUITY ACCOUNT.

(a) SOURCE OF PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 is amended by striking ''payments of supplemental annuities under section 2(b) of this Act shall be made from the Railroad Retirement Supplemental Account, and''.

(b) ELIMINATION OF ACCOUNT.—Section 15(c) of the Railroad Retirement Act of 1974 is repealed.

(c) IN GENERAL.—Section 15(a) of the Railroad Retirement Act of 1974 is amended by striking '', except those portions of the amounts covered into the Treasury under sections 3211(b),'' and all that follows through the end of the subsection and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 2001, except that the Railroad Retirement Supplemental Account shall continue to exist until the transfer authorized by the following sentence occurs. As soon as possible after December 31, 2000, the Board shall determine the balance in the Railroad Retirement Supplemental Account and shall direct the Secretary of the Treasury to transfer such amount to the Railroad Retirement Trust Fund and the Secretary shall make such transfer.

SEC. 107. TRANSFER AUTHORITY REVISIONS.

(a) RAILROAD RETIREMENT ACCOUNT.—Section 15 of the Railroad Retirement Act of 1974 is amended by adding after subsection (j) the following:

''(k) TRANSFERS TO THE FUND.—The Board shall, upon establishment of the Railroad Retirement Trust Fund and from time to time thereafter, direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, that portion of the Railroad Retirement Account that is not needed to pay current administrative expenses of the Board to the Railroad Retirement Trust Fund. The Secretary shall make that transfer.''.

(b) RAILROAD RETIREMENT TRUST FUND.—Section 15 of the Railroad Retirement Act of 1974, as amended by subsection (a), is further amended by adding after subsection (k) the following:

''(l) RAILROAD RETIREMENT TRUST FUND.—The Railroad Retirement Trust shall from time to time transfer to the disbursing agent described in section 7(b)(4) such amounts as may be necessary to pay benefits under this Act (other than benefits paid from the Social Security Equivalent Benefit Account or the Dual Benefit Payments Account).''.

(c) SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 is amended to read as follows:

''(2) Upon establishment of the Railroad Retirement Trust Fund and from time to time thereafter, the Board shall direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, the balance of the Social Security Equivalent Benefit Account not needed to pay current benefits required to be paid from that Account to the Railroad Retirement Trust Fund, and the Secretary shall make that transfer. Any balance transferred under this paragraph shall be used by the Railroad Retirement Trust only to pay benefits under this Act or to purchase obligations of the United States that are backed by the full faith and credit of the United States pursuant to chapter 31 of title 31, United States Code. The proceeds of sales of, and the interest income from, such obligations shall be used by the Trust only to pay benefits under this Act.''.

(2) TRANSFERS TO DISBURSING AGENT.—Section 15A(c)(1) of the Railroad Retirement Act of 1974 is amended by adding at the end the following: ''The Secretary shall from time to time transfer to the disbursing agent under section 7(b)(4) amounts necessary to pay those benefits.''.

(3) CONFORMING AMENDMENT.—Section 15A(d)(1) of the Railroad Retirement Act of 1974 is amended by striking the second and third sentences.

(d) DUAL BENEFITS PAYMENTS ACCOUNT.—Section 15(d)(1) of the Railroad Retirement Act of 1974 is amended by adding at the end the following: ''The Secretary of the Treasury shall from time to time transfer from the Dual Benefits Payments Account to the disbursing agent under section 7(b)(4) amounts necessary to pay benefits payable from that Account.''.

(e) CERTIFICATION BY THE BOARD AND PAYMENT.—Paragraph (4) of section 7(b) of the Railroad Retirement Act of 1974 is amended to read as follows:

''(4)(A) The Railroad Retirement Board, after consultation with the Board of Trustees of the Railroad Retirement Trust and the Secretary of the Treasury, shall enter into an arrangement with a nongovernmental financial institution to serve as disbursing agent for benefits payable under this Act who shall disburse consolidated benefits under this Act to each recipient.

''(B) The Board shall from time to time certify—

''(i) to the Secretary of the Treasury the amounts required to be transferred from the Social Security Equivalent Benefit Account and the the Dual Benefits Payments Account to the disbursing agent to make payments of benefits and the Secretary of the Treasury shall transfer those amounts;

''(ii) to the Board of Trustees of the Railroad Retirement Investment Trust the amounts required to be transferred from the Railroad Retirement Investment Trust to the disbursing agent to make payments of benefits and the Board of Trustees shall transfer those amounts; and

''(iii) to the disbursing agent the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which the payment should be made.''.

(f) BENEFIT PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 is amended—

(1) by striking ''from the Railroad Retirement Account'' and inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it from the Railroad Retirement Trust Fund or the Social Security Equivalent Benefit Account, as the case may be''; and

(2) by inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it'' after ''Public Law 93–445 shall be made''.

(g) TRANSITIONAL RULE FOR EXISTING OBLIGATION.—In making transfers under subsections (a) and (c), the Board shall consult with the Secretary of the Treasury to design an appropriate method to transfer obligations held as of the date of enactment or to convert such obligations to cash prior to transfer. The Railroad Retirement Trust may hold to maturity any obligations so received or may redeem them prior to maturity, as the Trust deems appropriate.

SEC. 108. ANNUAL RATIO PROJECTIONS AND CERTIFICATIONS BY THE RAILROAD RETIREMENT BOARD.

(a) PROJECTIONS.—Section 22(a)(1) of the Railroad Retirement Act of 1974 is amended—

(1) by adding the following sentence after the first sentence: ''On or before May 1 of each year beginning in 2002, the Railroad Retirement Board shall compute its projection of the account benefits ratio and the average account benefits ratio (as defined by section 3241(c) of the Internal Revenue Code of 1986) for each of the next succeeding five fiscal years.''; and

(2) by striking ''the projection prepared pursuant to the preceding sentence'' and inserting ''the projections prepared pursuant to the preceding two sentences''.

(b) CERTIFICATIONS.—The Railroad Retirement Act of 1974 is amended by adding at the end the following:

''COMPUTATION AND CERTIFICATION OF ACCOUNT BENEFIT RATIOS

''SEC. 23. (a) On or before November 1, 2002, the Railroad Retirement Board shall—

''(1) compute the account benefits ratios for each of the most recent 10 preceding fiscal years, and

''(2) certify the account benefits ratios for each such fiscal year to the Secretary.

''(b) On or before November 1 of each year after 2002, the Railroad Retirement Board shall—

''(1) compute the account benefits ratio for the fiscal year ending in such year, and

''(2) certify the account benefits ratio for such fiscal year to the Secretary.

''(c) DEFINITION.—As used in this section, the term 'account benefit ratio' has the meaning given that term in section 3241(c) of the Internal Revenue Code of 1986.''.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 201. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. EXEMPTION FROM TAX FOR RAILROAD RETIREMENT INVESTMENT TRUST.

Subsection (c) of section 501 is amended by adding at the end the following new paragraph:

''(28) The Railroad Retirement Investment Trust established under section 15(j) of the Railroad Retirement Act of 1974.''

SEC. 203. REPEAL OF SUPPLEMENTAL ANNUITY TAX.

(a) REPEAL OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211 is amended by striking subsection (b).

(b) REPEAL OF TAX ON EMPLOYERS.—Section 3221 is amended by striking subsections (c) and (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2000.

SEC. 204. EMPLOYER, EMPLOYEE REPRESENTATIVE, AND EMPLOYEE TIER 2 TAX RATE ADJUSTMENTS.

(a) RATE OF TAX ON EMPLOYERS.—Subsection (b) of section 3221 is amended to read as follows:

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of the compensation paid during any calendar year by such employer for services rendered to such employer.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 15.6 percent in the case of compensation paid during 2001,

''(B) 14.2 percent in the case of compensation paid during 2002, and

''(C) in the case of compensation paid during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.''.

(b) RATE OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211, as amended by section 203, is amended by striking subsection (a) and inserting the following new subsections:

''(a) TIER 1 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representative for services rendered by such employee representative. For purposes of the preceding sentence, the term 'applicable percentage' means the percentage equal to the sum of the rates of tax in effect under subsections (a) and (b) of section 3101 and subsections (a) and (b) of section 3111 for the calendar year.

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representatives for services rendered by such employee representative.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 14.75 percent in the case of compensation received during 2001,

''(B) 14.20 percent in the case of compensation received during 2002, and

''(C) in the case of compensation received during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.

''(c) CROSS REFERENCE.—

''For application of different contribution bases with respect to the taxes imposed by subsections (a) and (b), see section 3231(e)(2).''.

(c) RATE OF TAX ON EMPLOYEES.—Subsection (b) of section 3201 is amended to read as follows:

''(b) TIER 2 TAX.—

''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of the compensation received during any calendar year by such employee for services rendered by such employee.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—

''(A) 4.90 percent in the case of compensation received during 2001 or 2002, and

''(B) in the case of compensation received during any calendar year after 2002, the percentage determined under section 3241 for such calendar year.''.

(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end thereof the following new subchapter:

''Subchapter E—Tier 2 Tax Rate Determination

''Sec. 3241. Determination of tier 2 tax rate based on average account benefits ratio.

''SEC. 3241. DETERMINATION OF TIER 2 TAX RATE BASED ON AVERAGE ACCOUNT BENEFITS RATIO.

''(a) IN GENERAL.—For purposes of sections 3201(b), 3211(b), and 3221(b), the applicable percentage for any calendar year is the percentage determined in accordance with the table in subsection (b).

''(b) TAX RATE SCHEDULE.—

Average account benefits ratio		Applicable percentage for sections 3211(b) and 3221(b)	Applicable percentage for section 3201(b)
At least	But less than		
	2.5	22.1	4.9
2.5	3.0	18.1	4.9
3.0	3.5	15.1	4.9
3.5	4.0	14.1	4.9
4.0	6.1	13.1	4.9
6.1	6.5	12.6	4.4
6.5	7.0	12.1	3.9
7.0	7.5	11.6	3.4
7.5	8.0	11.1	2.9
8.0	8.5	10.1	1.9
8.5	9.0	9.1	0.9
9.0		8.2	0

''(c) DEFINITIONS RELATED TO DETERMINATION OF RATES OF TAX.—

''(1) AVERAGE ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'average account benefits ratio' means, with respect to any calendar year, the average determined by the Secretary of the account benefits ratios for the 10 most recent fiscal years ending before such calendar year. If the amount determined under the preceding sentence is not a multiple of 0.1, such amount shall be increased to the next highest multiple of 0.1.

''(2) ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'account benefits ratio' means, with respect to any fiscal year, the amount determined by the Railroad Retirement Board by dividing the fair market value of the assets in the Railroad Retirement Account and of the Railroad Retirement Investment Trust (and for years before 2001, the Social Security Equivalent Benefits Account) as of the close of such fiscal year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the Railroad Retirement Investment Trust during such fiscal year.

''(d) NOTICE.—No later than December 1 of each calendar year, the Secretary shall publish a notice in the Federal Register of the rates of tax determined under this section which are applicable for the following calendar year.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 24(d)(3)(A)(iii) is amended by striking ''section 3211(a)(1)'' and inserting ''section 3211(a)''.

(2) Section 72(r)(2)(B)(i) is amended by striking ''section 3211(a)(2)'' and inserting ''section 3211(b)''.

(3) Paragraphs (2)(A)(iii)(II) and (4)(A) of section 3231(e) is amended by striking ''3211(a)(1)'' and inserting ''3211(a)''.

(4) Section 3231(e)(2)(B)(ii)(I) is amended by striking ''3211(a)(2)'' and inserting ''3211(b)''.

(5) The table of subchapters for chapter 22 is amended by adding at the end the following new item:

''Subchapter E. Tier 2 tax rate determination.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the gentleman from Michigan (Mr. SMITH) and that he be allowed to control said time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the gentleman from Michigan (Mr. SMITH) for the purposes of yielding time to others, as well for the purposes of managing 5 minutes.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan will control 10 minutes.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this bipartisan measure which represents the most comprehensive modernization of the railroad retirement system in nearly two decades.

The bill is also the fruit of an arduous 2-year labor-management negotiating process, followed by consideration in two different committees of the House. I particularly want to commend on the Committee of Transportation and Infrastructure our ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Wisconsin (Mr. PETRI), chairman of the Subcommittee on Ground Transportation; and the gentleman from West Virginia (Mr. RAHALL), the ranking member, who have all provided very able and diligent assistance in putting this package together.

I also want to acknowledge and commend the bipartisan efforts of the Committee on Ways and Means leadership. Specifically, we could not be poised to pass such important legislation today without the work of the gentleman from Texas (Chairman ARCHER); the gentleman from New York (Mr. RANGEL), the ranking member; the gentleman from Florida (Mr. SHAW), the subcommittee chairman; and the gentleman from California (Mr. MATSUI), the subcommittee ranking member. Both committees have shown that they can pull together to produce a major reform package such as this one.

I will not attempt to detail the very complex bill here today, only to touch on some of the highlights. Reducing the pension retirement age to 60 with

30 years of service; providing for full inheritance of pension annuities by surviving spouses and cutting the vesting requirement in half to put it on the same 5-year basis with most other pension plans. While increasing benefits, this bill allows for payroll tax reductions, based on the performance of the underlying trust fund. Having a professionally managed investment portfolio will allow railroad retirees to benefit from returns comparable to those available in other pension plans.

I want to stress, Mr. Speaker, that this legislation in no way prejudges whatever decision this Congress might make with regard to Social Security reform. This bill is addressed only to the pension or the Tier II part of railroad retirement. Tier I, the railroad counterpart of Social Security, is not touched in any way.

From a fiscal standpoint, when we apply common sense to this bill, it is assuring a sound and prosperous future for railroad retirement. First, it creates an automatic tax adjustment mechanism so that the payroll tax rates can float up or down reflecting the performance of the pension assets.

Secondly, this automatic adjustment mechanism is structured to assure a minimum of 4 years of benefit reserves.

Third, by diversifying the investment of the Tier II pension assets, it helps both rail workers and employers grow their retirement fund more rapidly than is permitted under current law.

Mr. Speaker, this bill is a win for all, for railroad workers, for railroad retirees, for the railroads that provide a key part of our transport network and for the taxpayer, through enhanced fiscal soundness of the railroad retirement system. I strongly urge its approval.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 6 minutes.

The legislation before us, Mr. Speaker, will bring substantial benefits to the more than 1 quarter million men and women who work on America's railroads and the more than 700,000 retirees and survivors of retired railroad workers. At the same time, this legislation allows for a significant reduction in the payroll taxes paid by the Nation's railroads.

It is a win for railroads. It is a win for railroad labor. It is a win for retirees.

I want to compliment our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for the splendid work that he has done and the cooperation extended across the aisle, as we have done so often on so many issues in our committee.

Once again, we have brought a very contentious issue to fruition, through the committee process, through collaboration and cooperation and working out something that is in the best public interest.

I want to thank our ranking member on our side, the gentleman from West Virginia (Mr. RAHALL), for his leadership and working together with railroad labor railroads and the gentleman from Illinois (Mr. LIPINSKI) for the work that he did in previous years as the ranking member on the Subcommittee on Railroads and for his continued interest in and support of this issue and many other Members on our side and on the Republican side who have worked so hard to bring us to this point.

This point is an historic agreement reached by railroad labor and management after 2 years of very tough negotiations. The benefit improvements and tax cuts are made possible by changing current law that limits the investment of railroad retirement trust fund assets to only government securities.

The proposed changes govern how railroad retirement trust fund assets can be invested. The changes will not affect the solvency of the railroad retirement system. The Tier I portion, which is Social Security benefits, will continue to be invested only in government securities.

Tier II, the part of the system that offers pension plan type benefits above the Social Security benefit levels, will be eligible for investment in assets other than government securities. The projected increase in trust fund income from these changes are based on fairly conservative forecasts of the rates of return that can be earned from such a diversified portfolio, about 2 percentage points above the return on government securities.

Most importantly, if those investments fail to perform as well as expected, workers' pensions are further protected as this legislation and in the agreement that underlies the legislation which requires that the railroads absorb any future tax increase that might be necessary to keep this system solvent. Ultimately, the Federal Government continues to be responsible for the security of the railroad retirement system.

This legislation offers the first major benefit improvements in the railroad retirement program in more than 25 years.

Just a few of the improvements, and I will cite the primary benefits.

First, the age at which employees can retire with full benefits is reduced from 62 to 60 years with 30 years of service.

Second, the number of years required for vesting in the railroad retirement system is reduced from 10 years to 5 years.

Third, the benefit of widows and widowers will be expanded.

Fourth, the limits on certain Tier II annuities are repealed.

Fifth, the bill calls for automatic future improvements if the retirement plan becomes overfunded.

The bill allows for railroads' payroll taxes for Tier II benefits to decline from the current level of 16.1 percent to 13.1 percent. By the third year following passage of the bill, the railroads stand to gain nearly $400 million a year from lower payroll taxes. These savings go directly to the railroads' bottom lines, can be used to make the investments they need in improving railroad infrastructure and to improve the wages and working conditions of railway workers.

It is important for us to point out that nothing in the legislation alters the fundamental nature of the railroad retirement program. Benefits will continue to be guaranteed in the final analysis by the Federal Government. This is a good bill. It is good for workers. It is good for retirees. It is good for their survivors. It is good for the railroads and for the national economy. I urge all Members to give it their support.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the question before us is should we delve into using taxpayer money to, if you will, bail out a private pension retirement plan for railroad workers.

Let me just quote some of the facts developed by our Committee on the Budget, four reasons that Members should oppose this bill.

Number one may be the most important as far as the American taxpayers are concerned. The Committee on the Budget says it will cost $33 billion of taxpayer money over the next 10 years. This bill increases benefits and reduces contributions to the Railroad Retirement System by $7 billion over the next 10 years.

In addition, it allows the Railroad Retirement System to cash in $15 billion in government bonds now held by the railroad industry pension fund. These actions will reduce the budget surplus, thereby increasing the Government's interest costs by $13 billion over that time period. The net cost to U.S. taxpayers, including the offset, therefore, is $33 billion.

Again, with all of the pension plans in this country, many of them facing difficulty and insolvency as life spans continue to increase, it reminds me of some of the problems with Social Security. Social Security has some of the exact same problems as the railroad retirement pension plan.

Let me give the second reason suggested by the Committee on the Budget staff. This bill maintains a special subsidy available to no other industry. Under current law, income taxes paid by railroad retirees on their retirement benefits are transferred to the Railroad

Retirement System. Therefore, they do not pay the taxes. This subsidy, which is available to no other industry, will cost taxpayers more than $5 billion.

Number three, it allows the Railroad Retirement System to really raid Social Security. I ask my colleagues to consider the fact that Social Security is becoming insolvent, it is insolvent, and this bill in effect takes some of that Social Security solvency additionally away.

This bill allows the transfer of funds from the railroad retirement Social Security equivalent benefit account to the Social Security retirement trust fund. This transfer will result in Social Security funds being used to pay railroad retirement benefits.

Number four, I think it sets a bad precedent for Social Security reform. Instead of creating personal accounts with individual ownership and control over these accounts, this bill creates a government-appointed board to invest in the stock market on a collective basis. Under collective investments, there is no way to guarantee younger workers that they would receive any of the higher returns earned by the Government with their investment.

So, number one, we are bailing out to the tune of $33 billion, according to the staff of the Committee on the Budget; number two, we are having government go into the business of investing those funds, and I think both precedents are dangerous as we look at Social Security.

Let me quote some information from the Congressional Research Service: ''This Railroad Retirement and Survivors Improvement Act,'' as it is called, ''proposes a number of substantive changes.''

Number one, the bill would increase benefits for widows and widowers of railroad employees. It would lower the minimum age at which workers with 30 years of employment are eligible for those benefits. So we reduce the requirement for benefits while we ask the American taxpayer to bail them out, using some Social Security money. Something is wrong with this legislation as a precedent, as a way to solve a problem that the railroad retirees have. How many private pension funds do we really want to go into? Government got mixed up in it. It is quasi-governmental.

Mr. Speaker, at this time, so I will have some time to react to other statements, 10 minutes out of the 40 minutes is given against the bill, which I think reflects some of the positive votes as it moved through two separate committees, I will reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to my good friend from the Committee on Ways and Means, I want to emphasize that of the $33 billion that my good friend from Michigan talks about, the overwhelming majority of that money is paid for by the employers and the employees.

This is a self-financing trust fund. The only part which is not is $6 billion over 10 years, which is transferred simply from government securities to private investment funds, and indeed I should think anybody who believes in the market and in free enterprise and entrepreneurialism would be in support of doing that, because it is going to generate more money.

So to say that this is going to cost the taxpayers this money is simply not accurate, in my judgment.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

The Railroad Retirement and Survivors Improvement Act makes important changes to the Railroad Retirement System that will enhance benefits, increase the industry's responsibility over its pension system, and set the stage for more substantial reforms in the future that would make the program a free-standing pension plan.

The Railroad Retirement System is divided into two tiers: The first tier resembles Social Security, and the second tier resembles a defined benefit employer pension plan. The second tier is very unique. It resembles a private pension plan, but it is administered by the Federal Government. Benefits are entitled under Federal law. The legislation before us today deals primarily with the second tier, the industry's pension plan.

H.R. 4844 makes many improvements to the industry's pension. First, it allows the industry to diversify its assets portfolio by investing in private securities. There is not one single private or state pension system out there today that invests 100 percent of its assets in Treasury bills.

Secondly, it allows the industry to invest its pension contributions outside of the Federal Government and outside the Government's control.

Third, the proposal increases the industry's responsibility over the financial soundness of its pension plan. In the past, when the system ran into financial trouble, the Government had to bail the program out. Under this bill, there is a mechanism which automatically adjusts the industry's taxes if the program gets into trouble. The responsibility and the investment risk falls on the industry. It does not fall upon the taxpayer.

Finally, this legislation takes important steps towards converting the system into a freestanding industry pension plan outside of Federal jurisdiction. Under this bill, the second tier of the Railroad Retirement System becomes more like any other defined benefit employer plan or State pension plan. Its assets are invested in private securities outside of the Treasury, it is governed by a board of trustees who are bound by fiduciary principles similar to ERISA, and also benefit checks are no longer paid by the Treasury.

In closing, I would like to emphasize that the benefit changes and the tax changes made by this bill are paid for within the Railroad Retirement System. The Railroad Retirement System is a self-financing program. Like Social Security, it is entirely financed with dedicated payroll taxes on workers and employers and the taxes that retirees pay on the benefits. The costs of this plan are borne by the Railroad Retirement System, not by the taxpayer.

Mr. Speaker, I would like to add here in answer to comments by the gentleman from Michigan (Mr. SMITH) that the budgetary impact is primarily due to the fact that these Treasury bills are being cashed in in order to make these investments. That does have a budgetary impact. But the budgetary impact really is minimal, because we will be saving in future years the interest that the Treasury has paid. And it is doing something else; it is retiring much of the public debt that the Federal Government owes, which is something that I think both parties at least say that they support, and I certainly do.

Mr. Speaker, I would urge my colleagues to support this piece of bipartisan legislation. I would like to say this was a rare situation where we found ourselves in the enviable position of reaching out and crossing the aisle to our friends in the Democrat Party. It was also quite an experience seeing the industry and the unions coming together to ask for these changes. Moreover this bill is a good thing for the United States taxpayers.

Let me also add that during the debate today, certain questions have been raised about the budgetary effects of this bill. With this statement, I am submitting a response to these concerns. Again, I urge my colleagues to join me in support of this legislation.

RESPONSE TO CONCERNS

1. The bill increases railroad retirement benefits, reduces railroad payroll taxes, and allows the industry to cash in the government bonds in their Trust Fund. These changes will cost taxpayers $20.8 bill over 10 years ($33 billion when interest is included).

The Railroad Retirement system is a self-financing system—just like Social Security. It is paid for with dedicated payroll taxes and taxes that retirees pay on their benefits. The cost of the tax cuts and benefit increases contained in this bill does not fall on the general taxpayer. The cost is wholly paid for with taxes levied on railroad workers, railroad employers, and railroad retirees.

The proposal allows the Railroad Retirement system to invest in private-sector securities. This means that most of the Treasury securities currently held in the Railroad Retirement

Account must be redeemed so they can be transferred to an independent account outside of Treasury. This one-time cost of redeeming the Treasury securities will be borne by taxpayers. However, this is money that the General Fund owes the Railroad Retirement system. It reflects past surpluses that the government has borrowed from the system and must now repay.

2. The proposal will reduce the budget surplus by $20.8 billion and increase the government's interest costs.

The bill reduces the on-budget surplus because the Railroad Retirement system is an on-budget program. As a result, any changes to the system will affect the on-budget surplus—just like changes to Social Security affect the off-budget surplus.

The bill would not increase the government's interest costs. In fact, the Treasury securities in the Railroad Retirement Account are part of the total government debt. Once they are redeemed, the total government debt will fall, and so will the associated interest payments.

3. The bill maintains a special subsidy available to no other industry. Under current law, the income taxes paid by railroad retirees on their retirement benefits are transferred to the Railroad Retirement system instead of the U.S. Treasury. This subsidy costs taxpayers nearly $6 billion.

This is not a subsidy, and it doesn't cost taxpayers anything. The tax is not paid by the general taxpayer—it is paid by railroad retirees. Appropriately, the revenues from the tax go back to the Railroad Retirement system instead of the General Fund of the Treasury. In the same vein, the taxes that seniors pay on their Social Security benefits go back to the Social Security Trust Fund instead of the General Fund.

4. ERISA standards were designed to ensure that companies properly funded their pension plans. However, the railroad industry has a $39.7 billion unfunded liability. Instead of moving toward a funded system, this bill allows the Railroad Industry to enjoy lower taxes and higher benefits now in exchange for higher taxes or lower benefits in the future.

The Railroad Retirement system is not subject to ERISA, and it is not a funded system. Instead, it is a pay-as-you-go system where annual tax revenues are used to pay annual benefits. The trust fund balances in the Railroad Retirement Account are currently large enough to pay more than 5 years worth of benefits. This is considered quite high for a pay-as-you-go system. That's why the system can afford to cut taxes and pay higher benefits.

Although the system can afford these changes in the short run, it may not be able to afford them over time. As a result, the proposal includes a provision that allows the tax rate to adjust each year based on the system's funding situation. For the first time ever, the burden of maintaining the system's solvency will fall on the railroad industry—not the general taxpayer.

Many experts and commissions have recommended that the Railroad Retirement system should be converted into a fully-funded system covered by ERISA. However, it would be very difficult to take this step without the industry's support. This bill is a step in the right direction because it puts the mechanisms in place to move toward a free-standing pension plan outside of federal jurisdiction. If this bill is enacted, the system would resemble a private pension plan, making it much easier to make the transition in the future.

5. The bill will reduce the solvency of the Railroad Retirement system.

Under current law, the Railroad Retirement system is solvent over 75 years under optimistic and intermediate assumptions. The actuaries of the Railroad Retirement Board have certified that the system remains solvent for 75 years under the provisions of this bill.

6. The bill sets a bad precedent for Social Security reform—instead of creating personal accounts with individual ownership and control, this bill creates a government-appointed board to invest in the stock market on a collective basis.

This proposal primarily affects the second tier of the Railroad Retirement system—the part that resembles a private employer pension plan. Because this bill mostly deals with the industry pension, not the Social Security equivalent, the changes made by this bill cannot (and should not) translate to the Social Security program. After all, Social Security is a social insurance program—it is not a pension plan.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), the ranking member on the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Minnesota, the ranking Democrat on the Committee on Transportation and Infrastructure, for yielding this time.

I would like to commend both the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), obviously my colleague and chairman of the Subcommittee on Social Security (Mr. SHAW), and other Members who have been working on this legislation.

This legislation is supported and sponsored by the Association of American Railroads, which are all the railroads in the United States, along with 60 percent of the membership of the railroad labor unions. In my opinion, it took years and years to put together, and for Members to vote this down now would be tragic, because this would have an impact on 254,000 current employees of the industry, and over 700,000 families and individuals that are currently retired. This helps widows and widowers, who will have a $300 increase in benefits, and it will reduce the age of retirement from 62 to 60, the change we made in 1983, and we now need to go back to age 60. So in terms of benefits to the employees and to the industry, this is tremendous.

The reason that there is a cost, as the gentleman from Michigan (Mr. SMITH) has raised, as I think the gentleman from Florida (Mr. SHAW) has indicated, there is a one-time cost, because what we are doing is we are bringing in government bonds to allow the Tier II part of the system to be invested in the private equity market.

That is not a violation of Social Security or anything like that. All that is for, that is like a private defined benefit pension. Tier I programs are like Social Security. Tier II is like a private pension system. Frankly, it is the only pension system that the Federal Government operates, because of a historic relationship with the railroad industry and obviously with the employees. So the $15 billion will be paid down over time. It will not be a continuing obligation to the Federal Government.

Secondly, we received a letter dated the 18th of July, 2000, from Steven Goss, the deputy chief actuary of the Social Security system, to Harry Ballentine, the chief actuary; and in this letter it indicates that there is no impact at all on the Social Security trust fund. So the gentleman from Michigan may want to read this letter, who made the allegation that this would diminish the Social Security trust fund. It will have no impact at all, according to the actuaries.

We must pass this legislation. This is legislation that will help the railroads, and also it will help the employees and current beneficiaries and retirees.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I ask of the chairman and yield for the answer, when it came out of the Committee on Ways and Means, my understanding was that there was a 4.3 cent tax on diesel fuel for railroads. Is that reduction still in the bill?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, that is not included in this bill. This is a clean railroad retirement reform bill. There is no tax treatment in there.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, to help pay for it, it was my understanding when this bill went through the Committee on Ways and Means, they put a 4.3 cent tax on the diesel fuel used by railroads, and somehow in this clean bill it is no longer there.

□ 1630

If the gentleman will continue to yield, oh, no, that has nothing to do with it, I would say to my good friend. It was several years ago as part of the deficit reduction package of 1993 that that tax was placed.

Mr. SMITH of Michigan. Is the gentleman saying, Mr. Speaker, that the 4.3 cents was not in the bill in the Committee on Ways and Means?

Mr. SHUSTER. The original Committee on Ways and Means bill did have the 4.3 cent reduction in it.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, since I am short on time, let me just emphasize again that a bill of this magnitude should not be going through on suspension. It should have a full debate, because the consequences, if it is not $33 billion if we do not include the interest, then at least look at the CBO scoring that says $20 billion.

This legislation has been sort of promoted as a bipartisan agreement with overwhelming support by both rail management and rail labor. Why have they agreed so easily? I think the answer is because American taxpayers are footing the bill. Again, CBO has scored the cost at $20 billion.

Let me go through some of the facts. The Railroad Retirement System already has an unfunded liability of $39.7 billion. It is a pension fund in trouble. So with three retirees in the railroad industry, with three retirees for every worker, why would we go to the extent of not only reducing the taxes and contributions they pay in, but increasing the benefits they get out?

So we increase the benefits, we reduce the age for eligibility. Here again it seems to me that it only can be this kind of solution if we reach into the pockets of the American taxpayers. The industry would need to increase contributions from 21 percent of wages to 31 percent of wages for the next 30 years to cover this shortfall.

Accurate accounting shows that the industry has received at least $85 billion more in benefits than it has paid in contributions. The rail industry has for many years, of course, received special government subsidies that are available to no other industry. Just to mention one, under current law, income taxes paid by rail retirees do not go to the U.S. Treasury. They are instead transferred to the Railroad Retirement System, costing taxpayers over $5 billion. The government also currently pays the cost of Amtrak's social security contributions, costing taxpayers another $150 million a year.

This kind of cost, this kind of implication, of precedent, should be going through this Chamber with a full debate and not through a special suspension calendar.

Let me just briefly comment in my closing minutes on specifically what the bill does. It repeals a 26.5 cent per hour employee contribution to supplemental annuities, it reduces employer contributions from the current 16.1 percent to 14.2 percent, and it expands benefits for widows and widowers. It reduces the vesting requirement from 10 to 5 years. It repeals the current gap on payment of earned benefits. Six, it reduces the minimum retirement age to 60 years old.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI), chairman of the Subcommittee on Ground Transportation.

Mr. PETRI. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of the bill before us, the Railroad Retirement and Survivors' Improvement Act of 2000. H.R. 4844 will increase benefits for widows and widowers of railroad retirees, and lower the vesting period from 10 years to 5 years, which is more consistent with private industry plans. It will also restore the retirement age from age 62 with 30 years of service to age 60 with 30 years of service.

Mr. Speaker, this is an excellent bill with advantages for both labor and management as well as for the general taxpayer. I urge my colleagues to support H.R. 4844.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I want to take a minute to thank everybody who has been involved in this process: the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. SHAW), the gentleman from California (Mr. MATSUI), the gentleman from Wisconsin (Mr. PETRI), and many others not on the floor today, the gentleman from Illinois (Speaker HASTERT) being one.

I can remember back in July where many of us went to the Speaker to talk to him about the importance of this bill to try to get it on the calendar. While he is not on the floor discussing it today, I think he and others on both sides of the aisle played a huge role in getting us here today.

I did not rise to talk about the specifics of today's bill because whenever we talk about pension and pension plans we can get a little bit complicated. We have people on both sides of the aisle who have worked this issue. We have people like the gentleman from Florida (Mr. SHAW), who has worked with rail labor and others who understood the problems.

I rose today, this afternoon, just to talk a little bit about the fact that we have been at it now for almost 2 years, Mr. Chairman, talking about discussion, talking about compromise, talking about meeting each other halfway. We are about doing something that is good for a lot of people this afternoon, retirees, and some who will retire. Coming from a railroad family, my father put on 35 years on the South Buffalo Railroad back home.

There is a section here that talks about widows and widowers. This has been a patently and basically unfair rule for too many years, that just because a railroad worker dies, that pension for the widow or widower remains sometimes cut by two-thirds. In the meantime, that same family has the same mortgage bills and heating bills and taxes and prescriptions and all those other bills that come and go day-to-day, week-to-week, year-to-year.

I think more than anything else, Mr. Speaker, we are here to talk about righting some wrongs, doing the fair thing for railroad workers all across the country. I enthusiastically support H.R. 4844, and ask all of our colleagues on both sides of the aisle to do the same thing this afternoon.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, not to oversimplify this issue, but to put it in very plain terms, there is more money being collected in taxes from workers in railroads than is necessary to pay out benefits under the current system.

The agreement reached does equity for both the railroads and the workers. The railroads, on the one hand, get money they can invest in improving their infrastructure, rolling stock, and trackage, and the workers—specifically retirees, widows and widowers, get benefits that they would not otherwise receive. That is what this is all about.

I want to point out that there was not 100 percent agreement between rail management and rail labor. Just after the agreement was reached, representatives of those labor unions, the majority, that supported the agreement and those labor unions, the minority, that opposed it, asked for my support, each on their terms, to support their viewpoint.

I felt it would be in everyone's best interests if rail labor were united in support of the agreement. So in attempting to reach a consensus with all of rail labor, the gentleman from West Virginia (Mr. RAHALL) and I made a proposal to rail labor which we then made to rail management to improve the benefit package.

We recognized we could not radically alter the agreement, but hoped to make the proposal more palatable to those who opposed it. Specifically, we suggested that the railroad companies allow workers to retire at age 58 with actuarially reduced benefits, but with full medical coverage until the employees become eligible for Medicare at age 65.

Today, rail employees can retire at age 60 with reduced benefits. They are not eligible for medical coverage until age 61. We thought we had made a reasonable, modest proposal. It was considered deliberately by railroad management, but unfortunately, we could not get the parties on both sides to agree to coalesce around this change.

In the end, having made that effort, I concluded that this was the best package that could be negotiated under the circumstances.

Most of rail labor is in support of this legislative package. It is good for both sides. It is a great improvement for retirees. The legislation ought to go forward. We ought to approve it in this body today. I, of course, give it my full and strong support.

Mr. Speaker, enacting H.R. 4844 will bring substantial benefits to the more than one quarter million men and women who work on America's railroads and the 700,000 retirees and survivors of retired railroad workers. At the same time the bill allows for a significant reduction in the payroll taxes paid by U.S. railroads. This is clearly a win-win proposition for railroads, railroad labor, retired railroad workers and their survivors.

This bill is the product of an historic agreement reached by railroad labor and management following two years of often-difficult negotiations. The benefit improvements that the two sides agreed upon are made possible by changing the current law that limits the investment of Railroad Retirement Trust Fund assets to government securities. Railroad retirement is a two-tiered system: Tier I largely mimics the Social Security system in terms of taxes and benefits, while Tier II provides additional benefits and might be considered the equivalent of a defined benefit employee pension plan. Tier II benefits are financed by a combination of a 4.9 percent payroll tax on employees and a 16.1 percent payroll tax on employers.

Analysis provided by the Railroad Retirement Board's actuary demonstrates that the proposed changes should not affect the solvency of the Railroad Retirement system. The Tier I portion of the program will continue to be invested only in government securities as has long been the case and is appropriate for the social safety net. Only Tier II funds will be eligible for investment in assets other than government securities. The expected improvement in income to the trust fund is based on a fairly conservative projection of the rates of return on such a diversified portfolio—about two percentage points above the return on government securities. In addition, if the investments fail to perform as well as expected, workers' pensions are further protected as the legislation requires that the railroads absorb any future tax increases that might be necessary to keep the system solvent.

This legislation provides the first major benefit improvements to retired railroad workers and their dependents in more than 25 years. The primary improvements are:

(1) Lower retirement age. The age at which employees can retire with full benefits is reduced from 62 years to 60 years with 30 years of service. Today, employees who retire at age 60 or 61 have their annuity permanently reduced by taking 20 percent or more off the Tier I benefit. The annuities of their spouses are also reduced. Lowering the age to 60 actually restores railroad workers to the retirement age that existed before adjustments made back in 1983 to shore up the program's solvency.

(2) Fewer years for vesting. the number of years required for vesting in the Railroad Retirement System is reduced from ten to five years. This change puts the Railroad Retirement System in line with the pension plans of most other industries.

(3) Expanded benefits for widows and widowers. Under current Social Security Law, a widow or widower of a deceased worker receives the full amount of the retirement benefit previously paid to the retiree. In contrast, a widow or widower of a deceased railroad worker is eligible for 100 percent of the Tier I benefit, but only 50 percent of the late retiree's Tier II benefit. The surviving spouse often experiences a dramatic reduction in income at a time when life has already been made more difficult. Under the proposed change, the surviving spouse's annuity would be guaranteed to be no less than the amount the retiree was receiving in the month before death.

(4) Cap on benefits eliminated. Currently, there is a statutory limit on the initial benefit amount that can be paid to an employee. This limit is computed under a complex formula based on the employee's highest two years of Railroad Retirement and Social Security earnings during the 10-year period immediately before retirement.

This limitation has proved to be unintentionally harsh in two situations. The first involves employees whose lifetime pattern of earnings deteriorated in their last 10 years before retirement due, for example, to job loss or part-time employment.

The second situation involves employees with long railroad careers at modest compensation levels. The Tier II benefit amount is computer under a formula that takes into consideration not only an employee's compensation level, but also length of service. Thus, employees with modest earnings can build up their Tier II benefits through may years of rail service. Because the cap takes into consideration only their modest pre-retirement earnings and completely ignores their long years of service, these employees may have their benefit reduced upon retirement.

Under this legislation, the cap would be repealed for both new and preciously awarded annuities.

(5) Automatic future improvements should the retirement plan become overfunded. Should the plan's assets become greater than an amount deemed necessary by the Railroad Retirement Board to pay benefits, employees and the railroads will be able to use the surplus on a 50–50 basis to improve benefits and lower taxes. H.R. 4844 also reduces significantly the payroll taxes paid by the railroads. This bill allows the railroads' payroll tax for Tier II benefits to decline from the current level of 16.1 percent to 13.1 percent. By the third year following passage of this bill, the railroads stand to gain nearly $400 million annually from lower payroll taxes. All of these savings go directly to the railroads' bottom lines and can be used to make investments needed in the railroad infrastructure and to improve the wages and working conditions of railway workers. Higher net returns also should make railroad stocks look better to potential investors and improve the railroads' ability to engage in equity financing. Clearly, this is a win-win proposition for both the railroads and its workers.

While I believe this bill provides significant benefits to railroad workers and retirees, I recognize that railroad labor is not united in support for this bill. Two unions, the Brotherhood of Locomotive Engineers and the Brotherhood of Maintenance of Way Employees, do not support this legislation. They believe that the distribution of benefits should be weighted more favorably toward railroad workers and retirees as the monies involved are, after all, part of their overall compensation package. They were especially interested in securing a further reduction in the retirement age as the agreement only returned them to the retirement age that prevailed in 1983.

Just after the agreement was reached, representatives of both those labor unions that supported the agreement and those labor unions that opposed it solicited my support. I felt that it would be in everyone's best interest if railroad labor were united in support of the bill. To work toward achieving consensus within all of rail labor, the Gentleman from West Virginia (Mr. RAHALL) and I made a proposal to railroad management to improve somewhat the benefit package. We recognized that we could not radically alter the agreement, but we sought to make the proposal more palatable to those who opposed it. Specifically, we suggested that the railroads allow workers to retire at age 58 with actuarially reduced benefits, but with full medical coverage until the employees become eligible for Medicare at age 65. Today, employees can retire at age 60 with reduced benefits; they aren't eligible for medical coverage until age 61. Mr. RAHALL and I believed this was a modest proposal, but unfortunately we were unsuccessful in getting the parties to coalesce around this change.

Although, I would prefer to see unified labor support for this legislation, I believe that this bill is the best that can be obtained under current conditions and therefore I have given it my full support.

At the request of the Ways and Means Committee, we have made some modifications of the mechanics of how these reforms would be implemented.

Those relatively minor modifications deal with how the monies would be administered, with the composition of the group responsible for the investments, and with the way the benefits will be disbursed, but we have not, in any way, altered the fundamental nature of the program. Railroad retirement benefits will continue to be guaranteed, in the final analysis, by the United States Government. This continues to be a federal program and the Congress continues to have authority over it and responsibility for it. The proposed changes do not in any way represent a step toward privatization.

This is a good bill. It is good for workers; it is good for retirees and their survivors; it is good for the railroads, and it is good for the country. I urge all Members to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again I thank both the chairman and the ranking member for the time to protest some of my concerns.

Again, nobody else in the Nation, or very few, can have a pension system that is going broke and then reduce the contribution, reduce the taxes that are going in by the employee and the employer, and increase benefits, increase

benefits for widows, widowers, and also reduce the age to 60 that these individual workers are eligible for that retirement.

Railroad workers work very hard, they put in a lot of time and a lot of hours, but we cannot afford this $33 billion cost bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the 8,000 retirees in my district and the nearly equal number of future retirees from the railroad industry.

One point that I want to make before I talk more is that this body just a few weeks ago rolled back or voted to roll back the tax on social security. The income tax on social security does not go into the Treasury, either. That is how we treat retirement plans. What this is about is fundamental fairness.

Two weeks ago, Mr. Chairman, in my hometown a gentleman with an oxygen tank, very frail, very young, 55 to 60, comes up to me. He is himself a railroad retiree, and says, here is my wife. We need to pass or the Congress needs to pass railroad retirement reform so she will have her benefits when I am no longer here to support her.

That is what this legislation is about in protecting those widows, those families. There are plenty of letters from widows in my area. Mrs. Lohouse, help is on the way. You should get your full benefits.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) has 2 minutes remaining.

Mr. SHUSTER. Mr. Speaker, I rise in strong support for this bipartisan bill which has been carefully scrubbed by both the Committee on Transportation and Infrastructure and the Committee on Ways and Means on a totally bipartisan basis.

Let me emphasize, contrary to some of the assertions or one of the assertions that we have heard here today, the Railroad Retirement System is not only solvent, the Railroad Retirement Board actuary has certified that it is overfunded. Indeed, that is the reason why or one of the reasons why we are able to move with this legislation today.

Indeed, this legislation also requires a 4-year minimum reserve in the trust fund. The money that is paid out is money which is paid into the system by the railroad workers and by the railroad employers, the railroad companies.

This legislation corrects a grievous wrong, particularly as it applies to the widows of this system. I want to say, Mr. Speaker, that it was over 2 years ago when the gentleman from New York (Mr. QUINN) initiated the first hearing on this issue. Thanks to his diligence and then the follow-up of so many on both sides of the aisle, we find ourselves here today.

I also want to emphasize that at filing time of this report we had 306 cosponsors, and we have had many, many more calls since that time to try to cosponsor, but of course once the report is filed, one cannot.

We have a large majority of Republicans, a large majority of Democrats. This is a totally bipartisan bill. It is good for railroad families, it is good for America, and I urge strong support of this legislation.

Ms. BROWN of Florida. Mr. Speaker, H.R. 4844 is long overdue. Railroad labor, widows and widowers will gain enhanced benefits as a result of this self-financing legislation. I am particularly thrilled that the 4.3 cents/gallon tax repeal is not a part of this legislation.

This provision would have essentially eroded support for the measure and would have thrown the numbers into disarray. H.R. 4844 allows railroad retirement assets to be invested in private securities, reduces the payroll tax on railroads, and reduces vesting from ten to five years for both Tier I and Tier II benefits.

The bill also increases survivor benefits to widows and widowers of rail workers and Mr. Speaker, this is what legislation on behalf of the people is about. I urge strong support for H.R. 4844.

Mr. WELLER. Mr. Speaker, I rise today to enthusiastically support H.R. 4844, the Railroad Retirement and Survivors Improvement Act of 2000.

The Railroad Retirement and Survivors Improvement Act of 2000 is historic legislation that will improve the lives of railroad workers and their spouses. I am proud to be a cosponsor of this important bipartisan bill and am pleased to cast my vote in favor of this legislation today. This bill will guarantee a better standard of retirement for the nearly 3,500 retirees in my district and for all future retirees and their families.

Under H.R. 4844, the quality of life for widows and widowers are significantly improved. Under current law, spouses are limited to one-half of the deceased employee's Tier 2 benefits. However, under this legislation, this bill increases Tier 2 benefits for widows and widowers to 100 percent of the deceased employee's benefits on the date of death. Thus, widowers and widows will continue to receive the same benefits as their spouse received prior to death. Widows should not have to face a loss of income in addition to the death of a spouse. This bill ensures that is no longer a reality—widows will receive full benefits under this legislation.

Additionally, H.R. 4844 reduces the years of covered service to be vested in the railroad retirement system from the present 10 years to 5 years. Ten years is too long to wait to be vested in the railroad retirement system, and this legislation corrects this problem. Further, the retirement age is reduced from 62 to 60. By reducing this age, workers are given the opportunity to retire earlier without a corresponding loss of benefits.

H.R. 4844 also fixes the cap on the "maximum benefit." Present law limits the total amount of monthly railroad retirement benefits payable to an employee and an employee's spouse at the time the employee's annuity payout begins. The Railroad Retirement and Survivors' Improvement Act of 200 removes this cap so that there is not a maximum benefit limit.

Mr. Speaker, this is good legislation that will give working families more retirement security. I commend Chairmen SHAW and ARCHER for their leadership on this bill and ask for all of my colleagues to support this important legislation.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

□ 1645

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4844, as amended.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 25, not voting 18, as follows:

[Roll No. 459]

YEAS—391

Abercrombie	Calvert	Ehrlich
Aderholt	Camp	Emerson
Allen	Canady	Engel
Andrews	Capps	English
Armey	Capuano	Eshoo
Baca	Cardin	Etheridge
Bachus	Carson	Evans
Baird	Castle	Everett
Baker	Chambliss	Ewing
Baldacci	Chenoweth-Hage	Farr
Baldwin	Clay	Fattah
Ballenger	Clayton	Filner
Barcia	Clement	Fletcher
Barr	Clyburn	Foley
Barrett (NE)	Coble	Forbes
Barrett (WI)	Collins	Ford
Bartlett	Combest	Fossella
Barton	Condit	Fowler
Bass	Conyers	Frank (MA)
Bateman	Cook	Franks (NJ)
Becerra	Cooksey	Frelinghuysen
Bentsen	Costello	Frost
Bereuter	Coyne	Gallegly
Berkley	Cramer	Ganske
Berman	Crowley	Gejdenson
Berry	Cubin	Gekas
Biggert	Cummings	Gephardt
Bilbray	Cunningham	Gibbons
Bilirakis	Danner	Gilchrest
Bishop	Davis (IL)	Gillmor
Blagojevich	Davis (VA)	Gilman
Bliley	Deal	Gonzalez
Blumenauer	DeFazio	Goode
Blunt	DeGette	Goodlatte
Boehlert	DeLauro	Goodling
Boehner	DeMint	Gordon
Bonilla	Deutsch	Goss
Bonior	Diaz-Balart	Graham
Bono	Dickey	Granger
Borski	Dicks	Green (TX)
Boswell	Dingell	Green (WI)
Boucher	Dixon	Greenwood
Boyd	Doggett	Gutierrez
Brady (PA)	Dooley	Gutknecht
Brady (TX)	Doolittle	Hall (OH)
Brown (FL)	Doyle	Hall (TX)
Brown (OH)	Dreier	Hansen
Bryant	Duncan	Hastings (FL)
Burr	Dunn	Hastings (WA)
Burton	Edwards	Hayes
Buyer	Ehlers	Hayworth

Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—25

Archer
Cannon
Chabot
Coburn
Cox
Crane
DeLay
Hefley
Hostettler
Hunter
Johnson, Sam
Kasich
Largent
Miller (FL)
Paul
Rohrabacher
Royce
Sanford
Schaffer
Sensenbrenner
Shays
Smith (MI)
Stenholm
Sununu
Taylor (MS)

NOT VOTING—18

Ackerman
Callahan
Campbell
Davis (FL)
Delahunt
Holden
Jefferson
Klink
Lazio
McCollum
McDermott
McIntosh
Meeks (NY)
Owens
Roukema
Vento
Vitter
Young (AK)

□ 1708

Mr. SHAYS changed his vote from ''yea'' to ''nay.''

Mr. EVERETT and Mr. SHADEGG changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote on roll-call No. 459.

I would have voted in favor of the motion to suspend the rules and pass H.R. 4844.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4844.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, I have asked to address the House for 1 minute to inquire about next week's schedule.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas for yielding, and I am pleased to announce that the House has completed its legislative business for the week. There will be no vote in the House tomorrow. The House will next meet on Tuesday, September 12, at 12:30 p.m. for morning hour and 2 p.m. for legislative business, following a pro forma session meeting at noon on Monday.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to the Members' offices tomorrow. On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures:

H.R. 4461, the District of Columbia Appropriations Act;

H.R. 4516, the Legislative Branch Appropriations Act Conference Report;

And a veto override on H.R. 4810, the Marriage Tax Penalty Relief Reconciliation Act.

The schedule will be released tomorrow, and the whip notice will reflect the entire schedule for next week.

I thank the gentleman for yielding.

Mr. DOGGETT. Reclaiming my time, Mr. Speaker, it looks like there are some rather familiar titles here, and I am wondering if the gentleman could indicate, other than the addition of the suspensions, whether we expect anything new next week or just what we did not reach this week.

Mr. BLUNT. If the gentleman will continue to yield, with the exception of suspensions, and barring some discussion with committees, which we will certainly have, as we need to get our work done this month, this looks like it is the schedule for next week.

Mr. DOGGETT. With this short list, would the gentleman anticipate we would have any late nights, any night next week?

Mr. BLUNT. I would not anticipate we would have any late nights next week. Of course, we do need to get our work done, and that would be subject to change, but at this point we would be looking at those votes after 6 p.m. on Tuesday and then no late evenings next week.

Mr. DOGGETT. Does the gentleman have any indication of which day we would expect the vote on the marriage penalty veto override attempt?

Mr. BLUNT. I think we are anticipating that vote would be on Wednesday.

Mr. DOGGETT. And with reference to next Friday, does the gentleman anticipate whether we will be able to get a notice, as we have been today, that there would be no votes next Friday?

Mr. BLUNT. I think it is early to make that determination. We are still working with the White House and the committee chairmen on a number of different issues; of course working with the other body to get conference reports done as quickly as possible. I cannot say what we will be doing on Friday.

I think we ought to prepare to be here on Friday, but certainly we could very well find out this time next week we are in the same situation we are in right now as we wait for these conference reports to reach some ability to get to the floor and to the White House.

Mr. DOGGETT. I believe the previously published schedule had us out by at least 2 p.m. next Friday. The gentleman would not anticipate we would go beyond that?

Mr. BLUNT. I would anticipate we would be out no later than 2 p.m. on Friday.

Mr. DOGGETT. I thank the gentleman for his courtesy and wish him a good weekend.

Mr. BLUNT. I thank the gentleman for yielding.

ADJOURNMENT TO MONDAY, SEPTEMBER 11, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 11, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 12, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 11, 2000, it adjourn to meet at 12:30 p.m. on Tuesday, September 12, 2000, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON THURSDAY, SEPTEMBER 14, 2000

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 13, 2000, it adjourn to meet at 9 a.m. on Thursday, September 14, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 14, 2000, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING ATAL BIHARI VAJPAYEE, PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, September 14, 2000, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Atal Bihari Vajpayee, prime minister of the Republic of India.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1715

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). 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.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BENTSEN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Washington (Mr. INSLEE).

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING BELLAIRE LITTLE LEAGUE ALL-STARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Bellaire Texas Little League All-Stars for winning the United States Championship and advancing to the title game of the 54th Little League World Series. Along the way, the team inspired not only our community of the 25th District of Texas, but the entire Nation.

More than 7,000 teams from 104 countries vied to attain that coveted position, but it was the determination and the heart of the boys from Bellaire that put the team above the rest.

Throughout their summer of success, the team displayed the qualities of good sportsmanship and perseverance that made their parents, the city, and my constituents in the 25th District of Texas extremely proud. Their journey touched us all.

When the group of 12-year-olds came together in late June as the best players in the Little League, something magical happened. They won district for the first time and the team took sectionals in Galveston. The Bellaire Little League then won the State tournament in Waco and captured the United States South Region championship in St. Petersburg, Florida.

Bellaire then went undefeated at the regionals and earned a spot in the Little League World Series. There were many breathtaking plays along the way, a game-winning homer for Alex Atherton against Lamar and a no-hitter from Ross Haggard to beat Barboursville, West Virginia. They played on national television a total of nine times as they advanced, and all of Houston found themselves glued to the TV set.

The ride lasted until the 3–2 loss to Venezuela in the championship game, a defeat that was hard fought and handled with the honor that hometown fans learned to expect from the youthful team.

Bellaire is well known for its baseball, but always on the high school level, not Little League. The Bellaire Cardinals have won seven State high school championships and a national title in 1999.

Before the young Bellaire team burst onto the scene this year, the Little League team, from among the smallest Little League organizations in the State, had never even won the district before. I commend the coaches who were instrumental in bringing the team together more than 2 years ago when many of the players were 9-year-olds: Coaches Mike Purcell, Cliff Atherton, Steve Malone, and Larry Johnson.

It was Manager Terry McConn who took the tournament team to the championship. Manager McConn has made lasting contributions to these kids by guiding and inspiring such winning performances in his players. All of the adults and parents who sacrificed their free time to helping, coaching, and cheering these kids along should be commended. McConn has had the added benefit and immense gain in managing his son who caught every game.

Not only did the boys from Bellaire capture a spot in the World Series, they also captured our hearts. The Bellaire team's slogans of ''We Believe'' and ''This is our Year'' became mottos that will reverberate long after this season ended. The mottos and the qualities of teamwork, cooperation, fairness, athleticism and focus that the boys learned will serve them well for the rest of their lives.

These boys, Alex Atherton, Sean Farrell, Zach Jamail, Mitchell Malone, Terrence McConn, Ben Silberman, Nick Wills, Drew Zizinia, Ross Haggard, Hunter Johnson, Michael Johnson and Justin Shufelt will take the summer of 2000 with them forever.

Borrowing a line from ''Field of Dreams,'' Kevin Costner, who threw out the ceremonial first pitch to Terrence McConn and was honored at the 54th annual Little League Baseball World Series, said the memories of Little League are ''so thick that I have to brush them away from my face.''

Years from now, I predict these young gentlemen from Bellaire will feel the same way.

Mr. Speaker, I congratulate the Bellaire Little League All-Stars and I thank them for reminding us what good sportsmanship and grace under pressure is all about. I join the other fans of the 25th District of Texas in saluting our young heroes.

DOES WAGE INFLATION CAUSE PRICE INFLATION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am going to speak on does wage inflation cause price inflation? That is a question that few have asked, even at the Federal Reserve Systems' Board of Governors.

Though wage inflation is presently utilized to aid in determining whether the Fed raises the interest rates or lowers rates or leaves rates the way they are, most have never heard of wage inflation until I spoke to this issue in a previous speech. Most still think it means that the wages of workers in the broadest sense are trending upward. Most think it just means workers are getting paid a little more, proof then of our booming economy.

Let me quote one recent headline from the Wall Street Journal: ''Unions Seek Big Pay Gains, Sparking Inflation Worries.''

In 1994, Layard and Nickell in their book ''The Unemployment Crisis'' stated this:

> When buoyant demand reduces unemployment (at least relative to recent experience levels) inflationary pressure develops. Firms start bidding against each other for labor, and workers feel more confident in pressing wage claims. If the inflationary pressure is too great, inflation starts spiralling upwards: higher wages lead to higher price rises, leading to still higher wage rises, and so on. This is the wage price spiral.

This rather superficial explanation has been taken literally by many that should know better. But that would pose no problem should the idea itself remain in the cloistered walls of academia. But it did not.

When the Federal Reserve Board decided, along with Members of Congress and the White House, that price stability shall be of primary concern determining Fed policy, along with its clear mandate to keep real inflation under control using its mandated discretionary use of interest rates, this idea took hold.

We do know that Greenspan's Fed has looked at wage inflation as an indicator. Greenspan does not often call it wage inflation, but rather several different terms are offered up to explain the same thing, like this response to a Senate Banking member's question whether the Fed would raise the unemployment rate to something like five percent from its current level of four percent to achieve price stability.

Quoted in the Times:

> I think the evidence indicating that we need to raise the unemployment rate to stabilize prices is unpersuasive. However, he was not sure and the issue was the subject of considerable debate among economists and Fed officials.

And it should also be of considerable debate among the Members of Congress. Greenspan's comments were made during late July of this year. Less than one week later, during the House Committee on Banking hearings I asked Greenspan if he thought it was proper to use worker's wages as an indicator at all. I asked him if he believed wage inflation was the cause of price inflation. Here, in part, are his contradictory remarks:

> Wage inflation by itself does not. The issue basically is the question of whether wage inflation, as you put it, or, more appropriately, increases in aggregate compensation per hour are moving—are increasing at a pace sufficiently in excess of the growth and productivity so that unit labor costs effectively accelerate and generally drive up the price level.

Yes, precisely, that was what I said, does wage inflation, as I put it, because that is what Fed officials and economists call it, cause price inflation?

Greenspan then went on to add this:

> The issue is, what you do not want to encourage are nominal increases in wages which do not match increases in productivity. Because history always tells you that that is a recipe for inflation and for economic recession.

Greenspan then, as is his custom, veered off course into a long discourse on topics nobody asked of him, closing with this final remark: ''Nor have we, as you indicated, chosen wages as some indicator of monetary policy. That is not the case.''

This is why many economists call this form of discourse Greenspanish, because he stated that wages, or, as he puts it, more appropriately, increases in aggregate compensation per hour, are looked at as an indicator that union labor costs effectively accelerate and generally drive up the price level.

So wage inflation does drive up the price level, according to Greenspan's Fed.

Does wage inflation, whatever it is, cause price inflation? That is the subject we need to go into.

TOPICS OF NATIONAL CONCERN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on a couple of unrelated topics of national concern, related in some ways, unrelated in others, but nonetheless very, very important topics.

The first of these pertains to the millions of acres of which have burned and are burning at the present time in our western States. This is something that the Subcommittee on Forests and Forest Health of the Committee on Resources, which is one of the subcommittees on which I serve, heard about in one of the first hearings held in this Congress early in 1999, early last year.

The hearing that we held was based on a 1998 GAO report that I do understand and have read that we were having warnings as early as 1993 about the potential effects of this problem. But in this hearing in 1999, we were told that there were some 40 million acres in our western States that were in immediate danger of catastrophic forest fire.

We now have estimates, based on these latest fires, that over $10 billion worth of economic damage has been done thus far and that the costs to the Federal Government are going to exceed at least $1 billion and that if these fires keep burning and expanding, the costs may become even greater.

The sad thing is that this is a problem that we not only knew about but that we could have easily done something about.

In the mid-1980s, I am told that the Congress passed what was then held as a great environmental law that we would not cut more than 80 percent of the new growth in our national forests; and that was praised as a great environmental law at that time. And yet, today we are cutting less than one-seventh of the new growth in our national forests.

The Subcommittee on Forests and Forest Health staff has told me that we have over 23 billion board feet of new growth in our national forests each and every year, yet we are cutting less than 3 billion board feet. Less than one-seventh of the new growth in our national forests is what we are cutting today. And they tell me that there is over twice that amount, or some 6 billion board feet, of dead and dying timber each year. And yet environmental extremists will not let us go in and remove even the dead and dying trees, and that this causes fuel buildup on the floor of these forests, which has been the main cause of all of these catastrophic forest fires.

Yet, if I went to any school in Knoxville, Tennessee, or in my district and told the school children in that district that I was opposed to cutting any tree in the national forests, they would probably cheer because there has been such a brainwashing effort about things of this nature in schools in this country for the last several years.

Forest experts tell us repeatedly that we have to cut some trees to have healthy forests. Yet there are some people that do not want us to cut a single tree in our national forests. But people who do support that or do not want any logging done whatsoever should stop and think of all the products that are made with wood. Everything from books to newspapers, furniture, houses, toilet paper, all kinds of things, everything that we use in our daily lives or many, many things go back to wood and wood products. And yet there are some of these wealthy extremists who, for some reason, do not want us to cut even a single tree.

Yet, this is a very shortsighted and very harmful position to take. And it is

especially harmful to the poor and the working people in the middle-income field because it destroys jobs and drives up prices for everything. So that is a problem that we really need to do something about.

The second thing I want to mention is something that I mentioned in the 1-minutes this morning, but I would like to expand on just a little bit.

The top headline in the Washington Post says today that oil prices have hit a 10-year high. This is something else that we could easily do something about, and yet we have these environmental extremists who not only do they not want us to cut any trees, they do not want us to drill for any oil.

□ 1730

The U.S. Geologic Survey tells us that in one tiny part of the Arctic National Wildlife Refuge, which is 19.8 million acres, 19.8 million acres, the Arctic National Wildlife Refuge is that big, the Great Smoky Mountains National Park which is the most heavily visited national park, a large portion of which is in my district, is less than 600,000 acres, so we are talking about an area 33 times the size of the Great Smoky Mountains National Park, in only two or 3,000 acres on the coastal plain of Alaska, the U.S. Geologic Survey tells us there is some 16 billion barrels of oil. This is equivalent to 30 years of Saudi oil. There are billions more barrels offshore from this country. Yet the administration, the President signed an executive order putting 80 percent of the Outer Continental Shelf off-limits for oil production. He also vetoed legislation which would have allowed us to produce this oil in Alaska.

So if people like high gas prices, they should write the White House and these environmental groups and tell them thank you for the high gas prices that we have in this country today.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening as I have done on many, many occasions to talk about the most important quality-of-life issue for seniors in my State and around the country, and that is the issue of prescription drugs and the high costs that they are having to pay. Not only do we know that seniors who have no insurance are paying twice as much as others when they go to the drug store and get their medications, but we have a health care system that has been in place now for 35 years, a very successful health care system called Medicare that simply needs to be modernized to cover prescription drugs so that our seniors can continue to get the promise of health care that we made to them 35 years ago.

I have been asking people in my district and around the State of Michigan to write letters that I will share on the floor of the House of Representatives. Once again this evening, I wish to do that, to read a letter from Annabelle Lewis from Hillsdale, Michigan, who writes about her own struggles to pay for her prescriptions.

She says:

> I stopped taking the Provachol 20 milligrams for high cholesterol in January 1999, having previously cut pills in half. In December 1999, a year later, my cholesterol was 339. Having received some free samples, my cholesterol came down to 198. Presently this medication is $122.99 per month, not including $30.58 for Estrogen replacement. Medicare part B deductible this month has reduced my Social Security to $505. This covers house expenses with little left over. Having this medication available certainly would be less expensive than a nursing home should I have a stroke. I am able to continue working as a nurse but I find it very difficult due to my depressed state. I hope this information is useful and you will be blessed in your efforts.
>
> Sincerely, thank you, Annabelle Lewis.

Under the plan that I am supporting for Medicare coverage, a voluntary, optional, comprehensive Medicare benefit we would add to Medicare, Annabelle Lewis would be saving $438, important dollars, the difference between eating breakfast, lunch or dinner, paying the utility bill, having the quality of life that I am sure as a nurse she has worked hard all these years to acquire and now finds herself having to struggle with issues of cholesterol, whether or not she will be healthy or have a stroke.

Seniors in our country deserve better. I know right now with all the confusion and all the numbers and all the private plans and proposals that are out there, the real bottom line that all of this is about is the fact that the prescription drug companies do not want the 39 million seniors of this country to be organized under Medicare and have the clout to get a reduced price, just like anybody else in any other insurance plan. Coming together they would have the combined clout to get a group discount of great magnitude. That is the real fight about Medicare. That is the fight we are in right now. Do we just simply modernize Medicare, or do we set up some complicated system with insurance companies that say they do not want to cover prescription drugs? And they do not intend to cover prescription drugs, saying instead it is a hollow promise to go that direction.

I would urge, Mr. Speaker, that this House come together and recognize and celebrate Medicare, which is a 35-year success story for our country, 35 years of health care for seniors, for the disabled in this country, that only does not work now because we do not cover the new way that health care has provided today, which is simply prescription drugs. If we simply modernize Medicare, we will be able to continue to keep the promise.

It seems to me in these great economic times, we have two important challenges: we need to pay our bills and we need to keep our promises. The promise of Medicare is something that our seniors are counting on. We need to pass a comprehensive, voluntary prescription drug plan now.

CALLING ON CONGRESS TO STRIKE LANGUAGE IN TRADE BILL IN REGARD TO SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I am appalled and outraged that language was included in a recent bill that unanimously passed the House that will lift the embargo on gum arabic from Sudan.

Language was included in H.R. 4868, the Miscellaneous Trade and Corrections Act of 2000, which does not even mention the word or country of Sudan or gum arabic. Yet the passing of this language is a significant foreign policy issue for the U.S. The language was known about by very few Members of the House. This is very cryptic language that was used to describe a major foreign policy issue for the U.S., whether to lift significant sanctions against one of the worst regimes in the world.

The regime in Khartoum harbors gobs of terrorists. Abu Nidal, Hamas, and all of the terrorists who are doing so much to disrupt the Middle East have training camps in Sudan. Virtually every major terrorist group in the world passes through Khartoum, many under the tutelage and sponsorship of the government of Sudan. The government of Sudan was implicated and behind the assassination attempt on Egyptian President Hosni Mubarak. The government of Sudan condones slavery. Slavery exists in the 21st century. Yet the Congress voted to help a country that has slavery. Over 2 million people have died because of the war conducted and generated by the northern-led government.

The government of Sudan indiscriminately and repeatedly bombs and kills innocent civilians. They are killing hundreds of Catholics in Bishop Max Gassis' diocese in the Nuba Mountains. Just over the past few weeks, the Sudanese regime has shut down a U.N. humanitarian relief Operation Lifeline Sudan that feeds millions of people in southern Sudan, by repeatedly bombing and attacking and killing workers and planes.

Chinese troops are now supposedly present in Sudan, most likely guarding the precious oil fields that are now

generating hard cash for the government.

Now, Mr. Speaker, every Member should know that we have just learned that Osama bin Laden, a terrorist who killed American citizens and bombed two of our embassies, one of the most wanted international terrorists, is reportedly a major investor in Gum Arabic Company Limited. This company is a Khartoum-based firm that has a virtual monopoly over this issue. The new book out called The New Jackals by Simon Reeve says the following:

Perhaps most crucially, bin Laden cannily invested in Gum Arabic Company Limited, a Khartoum-based firm which has a virtual monopoly over most of Sudan's exports of gum arabic, which in turn comprises about 80 percent of the world's supply. Gum arabic comes from the sap of the Sudanese acacia tree, a colorless, tasteless gum that makes newspaper ink stick to printing presses, keeps ingredients in drinks from settling at the bottom of a can, and forms a film around sweets and medical pills, keeping them fresh. It is a crucial ingredient in dozens of western products.

Then he goes on to say that bin Laden is believed to have secured an effective monopoly over the entire Sudanese output that this Congress has voted to help.

Even now the State Department in Washington and analysts at the CIA remain unsure whether bin Laden is still profiting from his investment. Thirty percent of the shares in Gum Arabic Company Limited are held by the Sudanese government, who tried to assassinate Mubarak who did not support American troops in Desert Storm and Desert Shield.

Then he goes on to say and end that it is still possible that every time someone buys an American soft drink, they are helping fill Osama bin Laden's coffers, his coffers whereby he can go out and kill American men and women and children. I have a description of Osama bin Laden as described by the Anti-Defamation League which I will include for the RECORD.

Gum arabic is an important Sudanese primary export. The administration has prohibited and put it on a list of sanctions, a comprehensive list of sanctions against the government of Sudan. The executive order was issued as a direct consequence of the Sudanese regime's sponsorship of international terrorism, its effort to destabilize neighboring countries, and its abysmal human rights record, including the denial of religious freedom.

Mr. Speaker, why would the Congress, why would the House pass a bill without telling anyone what was in the bill and every Member that voted for that bill did this and did not know to lift the sanctions on Sudan also in the gum arabic area that is controlled perhaps by Osama bin Laden, who has bombed two American embassies, who we have watches out for with regard to the Canadian border over New Year's Eve and many other times? Why would the Congress do that? I am concerned that this money will help Osama bin Laden continue his terrorism.

I call on the Congress to strike this provision and do as the administration requested, whereby they can have the opportunity to deal with this issue.

Mr. Speaker, I submit the following material on Osama bin Laden.

OSAMA BIN LADEN

Osama Bin Laden is a 41 year-old ''businessman'' and son of one of Saudi Arabia's wealthiest families, who has been linked to a number of Islamic extremist groups and individuals with vehement anti-American and anti-Israel ideologies. He is a mysterious figure whose exact involvement with terrorists and terrorist incidents remains elusive. Yet his name has surrounded many of the world's most deadly terrorist operations and he is named by the United States State Department as having financial and operational connections with terrorism. Most recently Bin Laden formed the ''International Islamic Front for Jihad against America and Israel.''

In 1994 when Bin Laden returned to Saudi Arabia after having spent the two previous years in Khartoum, Sudan allegedly financing such militant Islamic causes as terrorist training camps, he was stripped of his citizenship by Saudi authorities who cited his opposition to the Saudi King and leadership (who enjoy warm relations with the U.S. and the western world). In 1996 it was reported that Bin Laden had relocated to Afghanistan, where he had financed and organized training camps for young Muslim extremists during the Afghan War of the 1980's.

Bin Laden has been thought to finance, inspire or directly organize various terrorist attacks. In one way or another his name has been linked to the killings of Western tourists by militant Islamic groups in Egypt, bombings in France by Islamic extremist Algerians, the maintenance of a safe-house in Pakistan for Ramzi Ahmed Yousef, the convicted mastermind of the 1993 World Trade Center bombing, and sheltering Sheikh Omar Abd Al-Rahman (the Blind Sheikh), who was also convicted in the World Trade Center bombing. He has also been linked to the 1992 bombings of a hotel in Yemen, which killed two Australians, but was supposedly targeted against American soldiers stationed there; the 1995 detonation of a car bomb in Riyadh, Saudi Arabia; the 1995 truck bomb in Dhahran, Saudi Arabia that killed 19 U.S. servicemen; and the 1995 assassination attempt on Egyptian President Hosni Mubarak.

Osama Bin Laden has made no secret of his anti-American, anti-Western and anti-Israel sentiments. In fact, he has been outspoken on these topics, issuing theological rulings calling for Muslims to attack Americans and threatening terrorism against related targets:

OSAMA BIN LADEN'S THREATS OF TERRORISM

August 1998—The ''International Islamic Front for Jihad against America and Israel,'' a group sponsored by Bin Laden, issues a warning in the London-based newspaper al-Hayat that, ''strikes will continue from everywhere'' against the United States. (CNN Interactive, 8/20/98)

May 1998—Bin Laden announces the formation of an ''International Islamic Front for Jihad against America and Israel,'' according to The News, an Islamabad, Pakistan daily. (The International Policy Institute for Counter-Terrorism web site, www.ict.org.il)

March 1998—Bin Laden faxes messages to the U.S. Embassy in Islamabad and U.S. consulates in Peshawar, Lahore, and Karachi threatening to attack U.S. facilities and citizens. (The International Policy Institute for Counter-Terrorism web site, www.ict.org.il)

February 1998—Bin Laden uses a fatwa, religious decree, to call for the liberation of Muslim holy places in Saudi Arabia and Israel, as well as the death of Americans and their allies. The decree says, ''These crimes and sins committed by the Americans are a clear declaration of war on God, his messenger and Muslims.'' (The Washington Post, 2/25/98)

May 1997—During an interview with CNN, Bin Laden reaffirms his call for a holy war against Americans. ''We have focused our declaration of jihad on the U.S. soldiers inside Arabia . . . The U.S. government has committed acts that are extremely unjust, hideous and criminal through its support of the Israeli occupation of Palestine.'' (Reuters, 5/11/97)

February 1997—Bin Laden threatens holy war against the U.S. in an interview on the British documentary program, Dispatches. ''This war will not only be between the people of the two sacred mosques and the Americans, but it will be between the Islamic world and the Americans and their allies because this war is a new crusade led by America against the Islamic nations.'' (Reuters, 2/20/97)

November 1996—Bin Laden issues an ultimatum to the U.S. and Western countries with troops stationed in Arab countries and declares a holy war against the ''enemy.'' Had we wanted to carry out small operations after our threat statement, we would have been able to . . . We thought that the two bombings in Riyadh and Dhahran would be enough (sic.) a signal to the wise U.S. decision-makers to avoid the real confrontation with the Islamic nation, but it seems they did not understand it.'' (The Washington Times, 11/28/96)

November 1996—Bin Laden warns U.S. forces in Saudi Arabia to expect more ''effective, qualitative'' attacks and advises Western forces to speed their ''departure'' from the Middle East. (UPI, 11/27/96)

August 1996—Bin Laden says to the London-based al-Quds al-Arabi newspaper that the Saudis have a ''legitimate right'' to attack the 5,000 American military personnel stationed in Saudi Arabia. ''The presence of the American crusader armed forces in the countries of the Islamic Gulf is the greatest danger and the biggest harm that threatens the world's largest oil reserves . . . The infidels must be thrown out of the Arabian Peninsula.'' (The Washington Post, 8/31/96)

August 1996—In an interview with The Independent, a London daily, Bin Laden calls the June 1995 truck bomb in Dhahran, Saudi Arabia ''the beginning of war between Muslims and the United States.'' (New York Daily News, 8/11/96)

July 1996—Bin Laden warns that the terrorist who bombed American soldiers in Saudi Arabia will also attack British and French military personnel. He said ''[the bomb in Dhahran] was the result of American behavior against Muslims, its support of Jews in Palestine, and the massacre of Muslims in Palestine and Lebanon.'' (New York Times, 7/11/96)

THE NEW JACKALS: RAMZI YOUSEF, OSAMA BIN LADEN AND THE FUTURE OF TERRORISM

A PORTRAYAL OF THE LIFE AND CRIMES OF RAMZI YOUSEF AHMED, THE TERRORIST WHO BOMBED THE NEW YORK WORLD TRADE CENTER IN 1998

(By Simon Reeve)

On 26 February 1993 a massive bomb devastated New York's World Trade Center, creating more hospital casualties than any event in American history since the Civil War. Ramzi Yousef, the young British-educated terrorist who masterminded the attack, had been seeking to topple the twin towers and cause tens of thousands of fatalities.

An intensive FBI investigation into the crime quickly developed into a man-hunt that took top FBI agents across the globe. But even with the FBI on his trail, Yousef continued with his campaign of terror. He bombed an aeroplane and an Iranian shrine.

He tried to kill Benazir Bhutto, the former Pakistani Prime Minister, and planned to assassinate the Pope, President Clinton and simultaneously destroy 11 airliners over the Pacific Ocean using tiny undetectable bombs. He also plotted an attack on the CIA headquarters with a plan loaded with chemical weapons. His pursuers dubbed Yousef ''an evil genius''.

During their huge investigation FBI agents discovered that Yousef was funded and sent on some of his attacks by Osama bin Laden, a mysterious Saudi millionaire. By the mid-1990's they realized bin Laden had become the most influential sponsor of terrorism in the world, and agents now conclude that since the early 1990s a small group of terrorists supported by bin Laden have dominated international terrorism.

These ''Afghan Arabs'' helped defeat the Soviets in Afghanistan before killing thousands of people in campaigns against governments in the West, Africa, the Middle East and Asia. When bin Laden's followers attacked American embassies in Kenya and Tanzania on 7 August 1998, killing 224 people, the U.S. finally launched cruise missile strikes in an attempt to destroy his secret organization.

Drawing on unpublished reports, interrogation files, interviews with senior FBI agents who hunted Yousef, intelligence sources and government figures including Benazir Bhutto, Simon Reeve gives a harrowing account of Yousef's bombings, offers a revealing insight into his background, and details the FBI's man-hunt to catch him.

Reeve explains how Yousef was one of bin Laden's first operatives and documents bin Laden's life and emergence as the leader of a potent terrorist organisation, giving fascinating insights into the man President Clinton has called ''the pre-eminent organizer and financier of international terrorism in the world today''.

Highly detailed and yet immensely readable, The New Jackals sheds new light on two of the world's most notorious terrorists. Reeve warns that Yousef and bin Laden are just the first of a new breed of terrorist, men with no restrictions on mass killing. He also offers evidence that bin Laden's organization may already have chemical and nuclear weapons and explains why the world could soon face attacks by terrorists with weapons of mass destruction.

Simon Reeve is a journalist and writer. He worked for The Sunday Times for five years before leaving to finish co-writing The Millennium Bomb, published in 1996. He has since contributed to books on corruption, organized crime and terrorism, and has written investigative feature articles for publications ranging from Time magazine to Esquire. He lives in London.

During research for The New Jackals Reeve has eaten ice cream sorbet with Benazir Bhutto, spent hours sitting in a stairwell on a London housing estate waiting for a former Lebanese smuggler, met American intelligence officials in a suburban burger bar and a Chinese restaurant, and been followed by agents from two different countries during meetings with a renegade spy.

Ramzi Yousef, Osama bin Laden and the ''Afghan Arabs'' have ''dominated international terrorism as it relates to the United States and Europe [in the 1990s]. At the international level the only terrorist apparatus that the United States has had to deal with over the past several years has been Osama bin Laden and before that Ramzi Yousef.'' Oliver ''Buck'' Revell, former Deputy Director of the FBI.

''Ramzi Yousef is an evil genius.'' Senior Pakistani intelligence officer.

''Yousef was a pretty unique person. He liked the bar scene, he liked women, he liked moving around. Yousef was very good. He was well trained, very clever. He'll certainly be ranked right up there with the all-timers. Even to this day, he is a very shadowy figure that we really don't know that much about, even after all that's been done and all that's been investigated on him.'' Neil Herman, the FBI Supervisory Special Agent who led the New York Joint Terrorist Task Force during the hunt for Yousef.

''Yes, I am a terrorist, and I'm proud of it.'' Ramzi Yousef.

''In the past, we were fighting terrorists with an organisational structure and some attainable goal like land or the release of political prisoners. But Ramzi Yousef is the new breed, who are more difficult and hazardous. They want nothing less than the overthrow of the West, and since that's not going to happen, they just want to punish—the more casualties the better.'' Oliver ''Buck'' Revell, former Deputy Director of the FBI.

''He's a cold-blooded terrorist. He doesn't care who he kills. He may be the most dangerous man in the world.'' Superintendent Samuel Pagdilao of the Philippines National Defense Police describing Yousef.

''One man said to me 'remember there will only be those who believe and those who will die. There will only be the dead and the believers'.'' Benazir Bhutto, former Prime Minister of Pakistan.

''If Russia can be destroyed, the United States can also be beheaded.'' Osama bin Laden.

''In my personal view [Osama bin Laden' is very much interested in obtaining weapons of mass destruction and he has the money to pay for them. It's certainly a credible threat.'' Peter Probst, Pentagon terrorism expert.

''We don't consider it a crime if we tried to have nuclear, chemical, biological weapons. If I have indeed acquired these weapons, then I thank God for enabling me to do so.'' Osama bin Laden.

''Terrorism is changing. We expect biological attacks in the future.'' Marvin Cetron, author of the Pentagon's secret Terror 2000 investigation.

''THE NEW JACKALS'' BY SIMON REEVE

AL QAEDA

Perhaps most crucially, bin Laden cannily invested in Gum Arabic Company Limited, a Khartoum-based firm which has a virtual monopoly over most of Sudan's exports of gum Arabic, which in turn comprises around 80 per cent of the world's supply. Gum Arabic comes from the sap of the Sudanese acacia tree. A colourless, tasteless gum, it makes newspaper ink stick to printing presses, keeps ingredients in drinks from settling at the bottom of a can, and forms a film around sweets and medical pills, keeping them fresh. It is a crucial ingredient in dozens of products Western consumers use every day, and within two years in arriving in Sudan, bin Laden is believed to have secured an effective monopoly over the entire Sudanese output.

Even now the State Department in Washington and analysts at the CIA remain unsure whether bin Laden is still profiting from his investment. Thirty per cent of the shares in Gum Arabic Company Limited are held by the Sudanese government, who may or may not be siphoning profits into bin Laden accounts. The other 70 per cent is held by individual shareholders and banks, any or all of whom may be acting as fronts for bin Laden. It is still possible that every time someone buys an American soft drink they are helping to fill Osama bin Laden's coffers.

August 11, 2000.

Hon. FRANK R. WOLF,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you for your recent letter expressing your concern about Section 1439 of H.R. 4868. The humanitarian situation in Sudan is a tragic one, and every effort should be made to bring an end to the unnecessary suffering of the Sudanese people.

The Administration agrees with you that the sanctions on the government of Sudan's exportation of gum arabic should not be lifted. The government of Sudan has not made progress in rectifying the human rights abuses for which those sanctions were imposed, and we should not consider permanently lifting sanctions until satisfactory progress has been made.

The crisis in the Sudan is an important issue to me. I recently shared my concerns with Secretary General Annan, and requested that he and his staff continue to work to ensure that humanitarian organizations like Operation Lifeline Sudan are able to effectively carry out their desperately-needed work.

I share your hope for and commitment to an end to this humanitarian disaster.

Sincerely,

RICHARD C. HOLBROOKE.

100TH ANNIVERSARY OF GALVESTON HURRICANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, today I introduced a concurrent resolution in memory of the 100th anniversary of the devastating hurricane which struck Galveston, Texas, on September 8, 1900. The residents of Galveston showed great courage and sacrifice during that terrible storm, and I thought it was important for Congress to recognize that that same spirit is still present in the people who live there today; and I wanted to join them as they honor the memories of those who lost their lives on that historic day 100 years ago.

In an era without radar, satellites or modern radio, the island of Galveston was quickly overtaken by vast waves, surging flood waters and powerful winds of more than 120 miles per hour. The hurricane that struck Galveston is the deadliest natural disaster in the history of the United States of America. It is estimated that more than 6,000 people lost their lives in a matter of a few hours. Prior to the storm, Galveston was a thriving port community of 37,000 people and was dubbed the Wall Street of the West.

Stories from the survivors of the storm are filled with displays of courage and self-sacrifice in the face of grave danger. One of the most famous is the one about the nuns who ran the orphanage. As the winds and storm tides got higher, it became obvious that the last building would collapse. The nuns tied the children to themselves with clothesline, eight or nine kids to each nun, in a sad, brave effort to try to save them. Three little boys survived the night by camping in a tree. All the rest died.

Galveston never lost that resilient spirit and went on to build a 17-foot seawall that staved off other fierce hurricanes. The city also pumped in millions of tons of sand from the Gulf of Mexico in order to raise the level of the city and its buildings to a safer height.

This weekend, Galveston will be holding a ceremony commemorating the hurricane, honoring the memories of those who died, launching education efforts, and celebrating the rebirth of Galveston after the storm. My resolution extends those efforts to our Nation's Capital and to all the people of the United States. We should honor those who died in the storm and use the anniversary to continue improving hurricane forecasting and to make life safer and more secure along our coasts.

My resolution recognizes the historical significance of the 100th anniversary of the hurricane, it remembers the victims, and it urges the President to issue a proclamation in memory of the thousands of Galvestonians who lost their lives and the survivors who rebuilt the city.

□ 1745

FEDERAL BUDGET

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I want to thank those making this period of time available today to further the discussion of the bill that was vetoed and then sustained earlier today.

I would gather that anyone listening to the debate today was rather confused about what was in the bills or what was not in the bills or what the effect would be. But to do this, to set the stage for this, I think it is important for us to go back and to review the budget debates earlier this year.

And I want to speak on behalf again of the Blue Dog budget, the Blue Dog Coalition, that proposed a budget that got 171 votes, a majority of the Democrats, and 33 Republicans, joined with us when we were debating. And we thought this year's budget debates should be built around a framework that would put our government on a path of retiring and entirely eliminating our public debt by 2010. We thought it was important to save 100 percent of the Social Security and Medicare surpluses. And we thought it important to allow a net tax cut, net tax cut of $387 billion over 10 years targeted to small businesses and middle-income families and make investments in priority programs of $387 billion over the same 10-year period.

That became known as the 50/25/25 plan, taking any non-Social Security surpluses and taking 50 percent of that to pay down the debt. Because I have found in my district at home, and I notice the polls bear this out, that the American people by and large, by 70 percent plus, want to see the Congress fix Social Security for the future, because every one knows that beginning in 2010 we are going to have some difficult times delivering on our promises of Social Security particularly at the exact same time that the baby boomers will be retiring. No one disputes that.

We felt like that that was important, but the majority party felt like the most important thing that they could do this year was to deliver a 1.3, 1.6, pick the number, $1 trillion tax cut of which every one agrees that many of those components are very, very, very popular.

But the Blue Dogs have said first off when we hear people talk about the $4.6 trillion surplus, we know, and I hope the majority of the American people will soon know, those are projected surpluses.

My colleague will hear in a moment from the gentleman from Mississippi (Mr. TAYLOR), in which he will show there are no surpluses, and he will be right, 100 percent right.

When we disregard the trust funds, not only the Social Security, but Medicare and military and civil service retirement and now railroad retirement, there are no surpluses, but yet we keep hearing this. And then we hear the rhetoric that says $4.6 trillion, it is your money, and we are going to return a part of it to you.

This kind of prompted me to say that even young school children know to complete the phase I swear to tell the truth, the whole truth and nothing but the truth. As common as that phrase is, we sometimes forget that. In the courthouse, it is rather important. I would wish that it was also important here in the U.S. House, because just this afternoon, as we have heard many times, the truth is, yes, the marriage tax penalty is unfair and in many cases two married individuals currently are taxed at a higher rate than they would be had they remained single, and that is not fair.

It is true that family farms and ranchers and other small businesses somtimes have a difficult time paying the current death tax, that is true.

But then let us talk about the whole truth and nothing but the truth. Yes, the $4.6 trillion that we hear so much about, most of us understand and I hope the American people will soon understand, those are projected surpluses, not a single American family tonight will go out and spend projected income without a risk.

If we get an extra bonus of $5,000 and we owe our bank $10,000, we do not go out and spend it on a vacation, unless we are willing to take a chance on digging our family into a deeper hole. Why should our country be different?

That was the argument that many of us were making this afternoon as pertained to the so-called death tax. I personally feel very strongly that the bill the President vetoed should have been vetoed. In fact, I personally recommended that he do veto the bill, and here is why.

When we look at the effect of a bill that is phased in, in 2010, 10 short years from today, that creates a hole in our budget of $50 billion that will expand over the next 10 years to $750 billion, without a plan of how we are going to be dealing with that or just passing on to future Congresses, really, we are passing it on to our grandchildren.

It seemed to me that the first bill that ought to have come to the floor of the House should have been a Social Security reform bill. That should have been the first bill, followed quickly by the Medicare and Medicaid reform bill.

Back home I have numerous hospitals that, unless we put together a balanced budget fix again this year, we will have to close their doors, and this is no exaggeration. Now, to those that talk about spending, if we do not wish to spend some additional money to keep rural hospitals and inner-city hospitals open, that is a fair position for anyone to take, and we will have that discussion. But that is the one we ought to have first, how do we provide for the minimal needs?

As we heard the gentlewoman from Michigan talking about the pharmaceutical bill needs, all that is well established, but yet today we had a bill, the first one to be vetoed. And now I hope the message is sunk in to the leadership of the House, that the next bill also will be vetoed and will be sustained, because I suspect now that most people are beginning to see that

the Blue Dogs might have had something right when they said let us not spend projected surpluses, let us use this opportunity in case these surpluses are real, let us pay down our debt.

Let us not forget the $5.6 trillion that we still owe, $700 billion now which I was corrected earlier, because contrary to the rhetoric in this body, our debt is going up, not down. We are paying down publicly-held debt, which is good, but we are increasing the debt to our trust funds, which eventually will have to be paid.

Let us not forget so easily as is so often done, and again this afternoon, let us not forgot that we have an unfunded liability in the Social Security trust fund as of today of $7.9 trillion which is going to have to be paid off. And that is why the Blue Dogs in our budget with the 50/25/25 of saying put maximum interest on paying down the debt, and let us equally divide increased spending on priority areas, and those are defense, veterans, education, health care and agriculture, that is it. Then let us deal with tax cuts.

And that is where, before I yield to my friend, the gentleman from Mississippi, (Mr. TAYLOR), I would make this point again, we would have thought this afternoon that the bill that was vetoed and then sustained was going to do great things for small businesses immediately.

Well, if we listen carefully, we will understand that the reductions in the tax rate on estates under the death tax would not take effect until 2010. The bill that I supported, continue to support and believe that if we can somehow revive some bipartisan action in this action, I believe we can put together a tax component as it pertains to death taxes that would, in fact, repeal all death taxes on all estates up to $4 million immediately, effective January 1, 2001, to those family farms that I heard, and I have numerous of those in my own district.

I want to make it very clear, unless your estate is more than $4 million the Democratic substitute that I and others and I hope will revive itself now that this one has been vetoed, that we can in fact have a $4 trillion exemption so no business, no individual family will ever have to worry about the death tax now.

Now, the argument will be why do we not eliminate it just for everybody. Show me how we are going to fix the Social Security program. Show me how we are going to deal with these surpluses that are not real, which my friend, the gentleman from Mississippi (Mr. TAYLOR) will be showing absolutely that we are talking in terms of fictitious numbers. Show me how we are going to deal with the Social Security, Medicare and Medicaid problems, then let us come and have an honest, open debate about how far we go on estate taxes.

I think a $4 million exemption effective January 1 beats the heck out of an estate tax phased out in 2010. My colleague, the gentleman from North Dakota (Mr. POMEROY) showed so eloquently earlier today the exact numbers of what we are talking about, and I think once that is understood and folks will get back off of the budget plans that are now showing are going nowhere, that we can come together, we can emphasize what the American people want, and that is pay down the debt, take care of Social Security, so it will be as good for our children and grandchildren as it is for those on it today. Take care of Medicare and Medicaid and pharmaceutical drug needs. Be prudent. Debate your spending, hold the spending down as much as you possibly can in a bipartisan way.

And with those opening comments, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Texas (Mr. STENHOLM). You know, I represent a district that is very, very heavily promilitary, overly blessed in military bases. We have about 14,000 military retirees and a much higher percentage of overall citizens who have served in the Armed Forces than we think the typical congressional district has.

I guess because of that, I take particular offense at the thought that for 2 years of the past 3 years, the Veterans Administration budget was frozen, not one penny increase. Despite the fact that we have now about 1,300 World War II veterans a day dying, they are getting to that point in their lives where they need help the most. For a typical American, 90 percent of all health care costs that any of us will incur will occur in the last 6 weeks of our lives. So the last 6 weeks of their lives is very sadly coming due for many of our World War II veterans and the VA budget for the past 2 years was frozen because the majority party said there is not any money to give to them.

This month, this month on September 29, the troops would normally have been paid, there are over a million people who serve in the Army, Navy, Air Force, Marines who are out there in dangerous places like Korea in Kosovo right now or in places like Colombia right now who are flying planes right now, under the sea right now, normally they would get paid on September 29, that is not going to happen this year. They are going to get paid on October 1.

The reason for that is so that pay period of over a billion dollars will not be reflected on this fiscal year, it will be shifted to next fiscal year. For a Congressman like myself or a high-ranking government official who makes good money, that is no big deal, delaying our pay for a couple of days. As a matter of fact, though, our pay is not going to get paid. All the congressional staffers will get paid at the end of September. In fact, the only people in the entire United States Government whose pay is going to be delayed are the guys who earn it and deserve it the most.

And so for a young enlistee on fixed income who is counting on that paycheck on Friday to buy Pampers and formula for his kids, he is not going to get paid until Monday, because it is one of the gimmicks once again from the folks who say we needed that money.

The last year the Democrats ran the House was 1994. In 1994, there were 404 ships in the United States Navy. Today as I speak, there are 315 ships in the United States Navy. That is a drop of 89 ships since the Republicans, who pledged for a strong national defense took over, because they will not give them the money to build the ships or maintain the fleet, again, they say, because we do not have the money.

The fleet is now the smallest it has been since 1933 when it was 311 ships. They say because we do not have the money, so you can imagine my surprise and a great many American's surprise when lo and behold they are suddenly saying we have this huge surplus, after telling the veterans wait your turn, after telling the active duty military wait your turn, after telling the United States Navy wait your turn, we have a big budget surplus, and to keep the guys in Washington, whoever they are, since they are in the majority, from spending it, we have to give it away in tax breaks and let us start with the wealthiest 2 percent of all Americans, the ones who do pay the estate taxes.

There is one small problem with the allegedly budget surplus. It does not exist.

□ 1800

As a matter of fact, it you take the time to read these numbers, you will realize about the only two things accurate in the words ''budget surplus'' are the letters ''BS.''

Those of you who have home computers, I would encourage you to take a look at 3 p.m. eastern time on the fourth workday of every month on www.publicdebt.treas.gov. This is a publishing of the public debt. One of the things our colleagues will tell you is not only do we have this great big surplus, but we are paying down the debt. If that were true, it would be wonderful. Unfortunately, it is not.

The total debt outstanding as of June 30, 1 year ago, was $5 trillion, and a trillion is a thousand billion, 638 billion, and a billion is a thousand million, 780 million. One year later, on June 30 of the Year 2000, it has grown by over $40 billion, to $5,685,938,000,000.

It has grown. It has grown by $40 billion. So despite the talk that they can

afford to give away the $50 billion a year that the estate tax repeal would cost the Treasury of the United States, there is no surplus. The debt is not shrinking, it is growing.

Who owns that debt? Let us remember that a third of all the national debt is owned by foreign lending institutions. So if the Japanese or German lending institutions that own our debt demand that it be paid off, think about the economic chaos in America.

One of the things that I would hope the American people would take the time to look at is that there is a surplus in what is called the trust funds. The trust funds are taxes that are collected for a specific purpose and are supposed to be set aside just for that purpose.

If you look on your pay stub, there is something called FICA. That is just Social Security taxes. It is collected from you, it is collected from your employer, and it is supposed to be set aside to pay your Social Security benefits when that time comes. There is a Medicare Trust Fund, taxes collected from you, set aside to help with your health care costs when that time comes.

If you served in the military, there is a military retiree trust fund to pay your benefits when you retire. There is a trust fund for the Highway Department. Again, taxes when you buy your gasoline, those taxes are supposed to be set aside and used for nothing but paying the trust fund.

Unfortunately, if you take the time to look at the report that I just told you about, you will see that ending in the month of June, the Nation in that fiscal year had already taken $11 billion out of the trust funds just to meet annual operating expenses. That number grew to $12.967 billion in the month of July.

So my question to my colleagues who say that we can afford to lose $50 billion a year in revenue on the estate tax is whose trust fund are you going to steal it from? And they have yet to answer that question. If they are not going to borrow it, then they have got to steal it from a trust fund in order to pay that bill.

Are they going to steal it from the Social Security trust fund? Are they going to steal it from Medicare part A, which pays the hospital costs of senior citizens? Are they going to steal it from Medicare part B, which pays the physicians' costs? Are they going to pay it from the Social Security disability fund, for people who through some tragic accident can no longer work and need a little help until they reach the age of 65? Or are they going to steal it from the military retiree trust fund, people who have given their whole lives to defending our country, who have set aside a portion of their paychecks so they can count on that check for the rest of their lives? Who are they going to steal it from?

As I told you, the debt is growing, and the best analogy that I can use as far as those folks who say we have this big surplus, not only is the debt growing, but it has grown enormously in our lifetimes. Most Americans think that maybe this generation did our per capita share of the total debt. Wrong.

In 1980, this Nation was less than $1 trillion in debt. Right now it is $5.7 trillion in debt. Almost all of the debt has occurred in our lifetimes. So I ask my colleagues who are adamant about huge spending increases or adamant about huge tax decreases, why would you as a Nation burden your children with that debt? Can you name one single responsible individual who says I am going to go buy a whole bunch of stuff, I am going to have a whole lot of fun, and I am going to stick my kids with that bill? And, by the way, I am going to deplete the military while I am at it, I am not going to build any ships to defend us, I am going to shortchange the guys in uniform, and by the way, we might even take a little money out of the militarily trust fund. That is their solution for America. I think their solution is wrong.

I had an opportunity to give this talk to someone who really would benefit from this. He happens to be a banker in Mississippi. He happens to be the majority stockholder of the biggest bank in Mississippi. He had written me saying, you know, I worked on all of my life, I scrimped and saved, and I know the man and know it to be true, and I would like to leave as much of this as I can to my kids. I do not want to pay an estate tax.

I explained to him that our Nation is squandering $1 billion a day on interest on the national debt, we did it yesterday, we did it the day before, we will do it tomorrow and do it every day for the rest of our lives until we pay off the national debt. He is a banker. He understands interest. At the end of our conversation, he said, ''Gene, you did the right thing.''

I would hope that other Americans will take the time to look at these reports, because, unfortunately, the Washington Post will not tell you, the New York Times will not tell you. I have actually seen economists in nationwide publications saying there is so much money they are going to pay off the debt in 2 years. None of them have bothered to read the only reports that count, and that is the reports from the U.S. Public Debt, the reports from the U.S. Treasury, and they will show convincingly there is no surplus.

So if we care about our country as much as we say we do, if we care enough to let our kids serve in the military, if we care enough to reward those veterans who served us so well in places like World War II, in Vietnam and Korea, if you think the sacrifices that they made are worth preserving, then why would we bankrupt our country now? And not for the least fortunate Americans, but for the sake of the most fortunate Americans? It makes no sense whatsoever.

So I want to thank the gentleman from Texas (Mr. STENHOLM) for this opportunity, and again I want to encourage every American to look up this site, www.publicdebt.treas.gov. If you have any doubt whatsoever as to the accuracy of these figures, you may get them for yourself. I encourage every American who has a computer to take the time and look, because it is frightening; and we as a Nation are truly in the position of a guy who cannot pay his debts, who for 200 years has not paid his debt, and is now going to the banker and saying, Can I just pay some interest? That is what we are doing as a Nation.

There is no surplus. It is time to pay off the debt and quit sticking our kids with our bills.

Mr. STENHOLM. Mr. Speaker, I thank my friend from Mississippi for his contribution and would remind my colleagues, Mr. Speaker, that this is the left side of the aisle speaking. These are the same voices that have been encouraging the current majority to take a look at these surpluses that everyone talks about and deal with them as they are.

What the gentleman has just stated is a fact. It is not made up. The only response we sometimes hear from them is ''you Democrats were in charge for 40 years and you did it, so we are going to do it too.'' Well, that really does not make sense. I do not think the majority of the American people want us to continue making the same mistakes that others have made. That is why we in the Blue Dog Coalition have said all year, let us be fiscally responsible with our tax cuts and let us be fiscally responsible with any additional spending. Let us seek out a bipartisan agreement on all of the above.

Again, that is why I want to, before I yield to my friend from East Texas (Mr. TURNER), I want to again reiterate today's vote on the death tax. Most of us who opposed it and supported the President did so because we believe there is a better alternative.

I would hope that now that the veto has been sustained and that the people will begin asking the question, what next, we will take a look at the Democratic alternative. Maybe it is not perfect, and I would be the first one to say it is not perfect. If it can be improved, let us work in a bipartisan way to improve it. To do what? To eliminate the unfair punitive penalties that occur on small businesses when the death of parents occurs.

We agree to that. Our proposal was that we ought to exempt $4 million estates. Now, back home where I come from, those are not small businesses. But in the big picture they are small businesses. When you start picking a number, it is always difficult to do.

Where is the $4 million coming from? It is something that would cost $22 billion over the next 10 years, rather than $105 billion. And the $4 million figure as proposed and supported by many of us on our side of the aisle would be signed by the President. In fact, I would not be surprised if it could not be improved.

I keep hearing some say why not go to a $4 million exemption, and then tax all estates over and above that at the capital gains tax rate?

I am for that, Mr. Speaker. I think that makes eminent good sense. I would like to see CBO and OMB seriously look at that and see if that would not be a better proposal.

But the bill that was vetoed just cut it off in 2010. The Democratic substitute that I worked so hard on said let us not cut it off at 2010; let us continue the same cost into the next 10 years, at least until we fix Social Security for our children and grandchildren. That is why I have become such a bull dog on all programs, including the one that we just passed overwhelmingly, the Railroad Retirement Act that passed overwhelmingly awhile ago.

I have no doubt it is a good bill. I was contacted by many of my constituents saying support it. A lot of it I could support. But the cost, getting into Social Security, reducing the retirement age precisely at the time that we are increasing the retirement age on Social Security, under current law, from 65 to 67, that is currently going on, I had some questions. I really questioned us taking out of context various bills, even the good ones, even those which I may in the end say I voted wrong today.

But until we can put into context how we are going to deal with these non-surpluses, as we now have heard from the gentleman from Mississippi (Mr. TAYLOR), I really think we have to question what is fiscally responsible and what is not, and remind again when you hear about trust funds, when you hear about surpluses, they are projected. None of this is real. Most families do not spend projected surpluses without getting in trouble if they do not occur.

Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding. I want to thank the gentleman in particular for his hard work that he has exhibited throughout his years in Congress to try to bring fiscal responsibility to the Federal Government.

Just last year for the first time we had a surplus in the annual Federal budget. We had not had one they tell me for 30 years. I think it is very important as all of this talk is being kicked around about the surplus, the anticipated surplus, that we not waiver in our commitment to try to continue to have annual Federal surpluses so we can pay down our Federal debt.

It may very well be, as the gentleman from Mississippi (Mr. TAYLOR) said, there may not really be a surplus. People talk a lot about the anticipated surplus; but it is not here yet, and it may not be here.

We all have been told by the Congressional Budget Office that the non-Social Security, non-Medicare Trust Fund surplus totals about $2.2 trillion over the next 10 years. That is an estimate. It may or may not arrive. But we also are told that that estimate of the surplus is based on a lot of assumptions. It is based on the assumption that Federal spending will not increase, even though we know the population of this country keeps growing and placing increased demand on the Federal Government.

We also know that if we reduce the assumption in the budget estimate of economic growth by only one half of 1 percent, that 25 percent of that surplus just disappears. A one-half of 1 percent adjustment in annual growth over 10 years means $500 billion of the estimated $2 trillion surplus disappears.

So I think it is important for us to talk tonight about the importance of staying on course for fiscal responsibility, and I was very proud that Vice President GORE and Mr. LIEBERMAN proposed a budget surplus reserve fund, to make sure that if all those rosy estimates of the surplus turn out not to be true, that we will not put this country back into deficits.

□ 1815

A fellow in overalls probably made the point better than I will tonight at a town meeting I had in my district. After all my efforts to explain all this complicated talk about Federal budget surplus estimates and the national debt, he raised his hand and he says, Congressman, how can you folks in Washington talk about a surplus when you have a national debt of over $5 trillion? Well, that stumped me for a minute, because I guess that is true. Only in Washington can people claim to have a surplus when we have a $5 trillion debt at the same time.

Back when we got the revised estimate of the anticipated surplus that is supposed to arrive over the next 10 years of $2.2 trillion from our Congressional Budget Office, that very day the national debt stood at $5.6 trillion. Yes, only in Washington can people say we have a surplus when we owe $5.6 trillion.

So before we let the politicians squander our future anticipated surplus with new spending programs or irresponsible tax cuts that primarily are aimed at the wealthiest Americans, let us set up a simple and reliable budget framework that we can all play by.

The Blue Dog Democrats, the conservative Democrats in this Congress, have always advocated a very simple plan for the use of any anticipated surplus that may arrive over the next 10 years. We say, let us dedicate 50 percent of us to paying down the national debt. Let us use 25 percent of it for commonsense tax cuts that are aimed at people who really need a tax break. Let us use 25 percent of any anticipated surplus to be sure that we save social security and Medicare for the next generation.

That is a sensible plan, a sound plan, and any time I have had the opportunity to talk about it to the people of my district, they say it is a good plan that we ought to follow. Our national debt works a lot like our credit cards. When the United States runs up a big debt that we do not pay off, then we have to pay interest. The debt keeps growing, and so do the interest payments.

The interest today is eating away at our budget. We spent last year almost as much on interest on our national debt as we spent on the entire defense budget, which is the largest category of spending in the Federal budget.

If we use half of our surplus to pay down the national debt, we can pay it off entirely in 10 years. There is still room after that to afford other national priorities like commonsense tax cuts, social security reinforcement, and to save the Medicare program for the future.

But it seems that here in Washington, in order to issue a good press release about how big a tax cut we are for, the majority in this Congress has insisted on applying the bulk of any anticipated surplus to tax cuts. In fact, if we total up all the tax cuts that have passed through one House or the other in this Congress, they total almost $1 trillion.

President Bush has proposed $1.3 to $1.6 trillion in tax cuts over the next 10 years. It is hard for me to see how they could devote 80 to 90 percent of any anticipated surplus that may not even show up to tax cuts, and then tell the American people that they are going to pay off the national debt. The truth of the matter is that we cannot do it.

Under those almost $1 trillion in tax cuts, we find that they were targeted at the wealthiest Americans. In fact, an analysis that I looked at just the other day said that 50 percent of the tax cuts in that Republican plan, that $1 trillion, almost, in tax cuts, would go to the wealthy families of our country who make over $130,000, the top 5 percent of American families, while on the other hand, middle-income families making under $40,000 would get less than 10 percent of those tax cuts.

Stated another way, it means that a middle-income family earning $50,700 a year would get a tax break under the Republican plan of $323 a year, less than $1 a day, while the wealthy family earning $329,000 a year would save

$6,408 in their tax obligation. That is simply not fair.

Yes, all Americans need tax relief, but those who have benefited the most from the prosperity that we have enjoyed should not receive the largest percentage of income savings. We need to get our financial house in order and our debt paid off before we give Bill Gates and Ross Perot a multi-billion dollar tax break.

Let me make it clear, I am a strong supporter of tax cuts for working families. The Democrats in this Congress have voted for tax cuts for American families. They have voted for a less expensive version of the estate tax repeal that would repeal the estate tax for 95 percent of the American people who currently would be obligated to pay one, and keep in mind, only 2 percent of American families even pay the estate tax today.

The Democrats also advocated getting rid of the marriage penalty, and voted on the floor of this House to do so, but the Republicans wanted to be sure they had a sweeter deal and they proposed a tax cut that not only eliminated the marriage penalty, but gave tax relief to those who actually get a marriage bonus.

As I say, if we look at all the tax cuts that the Republican majority has passed on either the floor of this House or the Senate totalling almost $1 trillion, what we find is that the wealthiest Americans benefit the most, leaving the crumbs to average working families.

It is the hard work of every American taxpayer that is fueling our surplus. As I have heard said often in the presidential campaign, American families need tax relief, and they do. Both candidates agree. But the truth of it, to say that the surplus is not the government's money, it is the people's money, misses the point, because the people of the country also, unfortunately, owe almost $6 trillion in debt.

So let us be sure that when we talk about tax cuts, that we are talking about responsible tax cuts aimed at middle-income Americans who need the tax relief, and let us also be sure that we do not make those tax cuts so big that we fail to deal with the national debt, which is approaching $6 trillion.

The truth is, the best tax cut that the American people can get is to pay down the national debt. Let me say that again. The best tax cut that the American people can get is to pay down the national debt.

Members may say, why is that so? Economists uniformly agree that if we pay down the national debt, it gets the government out of the business of borrowing money in the credit market. If we reduce the demand for credit, the effect across-the-board is to lower interest rates: less demand from borrowed money, lowered interest rates.

So what we can do is pay down the national debt, and by doing so, give the American people something even better than tax relief.

The Council of Economic Advisors reports that paying down the debt over the next 10 years will save American families $250 billion in home mortgage payments alone, $250 billion. A 2 percent reduction in interest rates would save a family paying a $100,000 mortgage $2,000 a year.

Keep in mind, even the gigantic, irresponsible Republican tax cut plan saves an average working family, a middle-income family, less than $1 a day, less than $323 a year. If we can lower interest rates and that family is trying to pay off a home, and most families enjoy the opportunity to own their own home at some point in their lives, if we can reduce that interest rate 2 percent, we will not save them $323, we will save them $2,000 a year.

That is the kind of sound budget plan that this Congress need to pursue. We have a responsibility in these prosperous times to take advantage of a historic opportunity to pay down the debt, a debt that was accumulated over 30 years of deficit spending. We have a responsibility not to count on the estimated $2 trillion surplus that is supposed to arrive here over the next 10 years by deciding today what we are going to do with it.

It is kind of interesting, because we actually here in Congress have had tax cuts on the floor that would consume the opportunity for any Congress in the next 10 years to vote on a tax cut. It seems to me that those who claim to be fiscally prudent, who claim to be fiscal conservatives, would understand that we do not spend a surplus that is not here yet, and that we do not spend it all at one time.

There are other priorities that we have to be attentive to. Medicare needs to be preserved for the next generation. Social security needs to be preserved for the next generation. We need a prescription drug benefit under Medicare for our senior citizens. We need to spend more on national defense. We need to be sure that we protect our veterans.

Those are issues that have not been accounted for when people talk about a $2 trillion estimated surplus. So let us stick to a plan of fiscal responsibility. Let us be sure we protect our economy for the future. Let us be sure that our children do not have to pay off that $5.6 trillion debt that, by the way, continues to grow.

I thank the gentleman for the opportunity to share these thoughts.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER), and I thank the gentleman for pointing out that the best tax cut that this Congress can give the American people is that which keeps interest rates down, something that gets overlooked in the rhetoric around here so often.

The gentleman gave the numbers, I was using a little smaller number, a $50,000 home mortgage, a reduction of 1 percent in the interest is $500 per year. That is real money that working families would darned sure appreciate.

By now, I would hope that folks have begun to realize some of the fallacies of those who suggest a $1,300,000,000,000 tax cut is what this economy needs.

Review for just a moment as I think out loud, what has the Federal Reserve done I believe six times in the last year? Increased interest rates. Why have they done that? Concern of the Federal Reserve that the economy may be overheating and inflation may be taking off; one of the cruelest taxes that occurs, particularly to those who live on fixed incomes.

Why do we have a tax cut? To stimulate the economy. If we should have a large immediate tax cut that stimulates the economy, why would we not suppose the Federal Reserve may take it away in interest rate increases? It is something that has bothered me a great deal, and it is one of those things that has influenced the Blue Dog budget and the proposal.

Let me again as I close remind everyone that this Blue Dog framework that the gentleman from Texas (Mr. TURNER) and the gentleman from Mississippi (Mr. TAYLOR) and I have been talking about, and I am rather disappointed that we have not been joined by some of our friends on the other side of the aisle who have agreed with us, 33 voted with us earlier this year, in agreeing that this framework that would pay down the debt would be fiscally responsible on spending and tax cuts, and would be a pretty good plan.

It is not too late. We still have 18 working days left now in the 106th Congress if we adjourn at our scheduled time. In order for us to get through with our work, we are going to have to find an agreement that can be supported by a majority of the House, a majority of the Senate, and the President concurring.

It is not a bad blueprint for us to be thinking about now. It is 50/25/25. We all agree we are not going to touch social security and Medicare trust funds. That is half of the $4.6 trillion. Everyone agrees to that. Why not set aside half of the remaining to pay down debt, and then let us, in a bipartisan way, decide how much we are going to spend on health care; on pharmaceutical drugs; on the defense needs of this country; on water, as it pertains to my district.

□ 1830

The Speaker pro tempore has had some pretty severe disasters out in his part of the country. I have witnessed that and the tremendous devastation that has occurred to forests and ranchers and all. I suspect there are going to

be some legitimate needs there where we probably are going to find some agreement. So let us stop this complete total partisan bickering and realize it is going to take some bipartisan action.

Here, I want to make another comment about Social Security. Because if I had one prevailing reason for encouraging the President to veto the death tax bill that was presented to him, it was because of Social Security.

I continue to say, as my colleagues have heard me say several times on the floor, I have two reasons for my vote today, and their names are Chase and Kohl, who are my wife Cindy's and my 5- and 3-year old grandsons. When they were born, the first one 5 years ago, I resolved that I did not want them to look back 65 years from that date and say, if only my granddad would have done what in his heart he knew he should have been doing when he was in the Congress, we would not be in the mess we are in today.

That is kind of the guiding light, I guess, for me insisting that a backend loaded tax cut on the death tax that repeals it in 2010 at the cost of $50 billion at the exact same time baby boomers are retiring. That Congress, now I will not be here at that time, my body will not take this job that much longer, but there will be a Congress that will be there, and it is grossly fiscally irresponsible to pass on to future Congresses and to our grandchildren those unanswered questions of where they are going to get that revenue.

I think we ought to first make the decisions here on Social Security and Medicare. Obviously we are not going to do that in the 106th Congress. It is going to take the 107th Congress to do that and a new administration. I look forward to working with them, hopefully, in a bipartisan way.

Just as this year I want to commend the gentleman from Michigan (Mr. SMITH) who stood alone arguing some fiscal responsibility on the Railroad Retirement and Survivors Improvement Act that passed overwhelmingly. I voted with the gentleman from Michigan (Mr. SMITH). I appreciate the point he was making even though it did fall on deaf ears, because any time we can find some bipartisan consensus on spending additional money or cutting taxes, it is very popular, very difficult to stand in the way.

But the gentleman from Arizona (Mr. KOLBE), my colleague from the other side of the aisle, and I have worked on a Social Security reform bill that we know that is going to cost some money over the next 10 years to implement it. That is why I have said that, before we start spending surpluses that are not there, let us fix Social Security. Let us have that open, honest debate. Well, it will take us next year to do that unfortunately.

Here a little bit of other history. Many times today I have heard that it was only after the majority changed in the House of Representatives that the budget got balanced. Well, I think that is taking a few liberties. I am perfectly willing and openly acknowledge the contribution of many of my friends on the other side of the aisle. But I think it is important for us from time to time when we start talking about budget to review some history on votes of the budget.

Let us go back to 1991. Remember that one. That was the Bush budget, President Bush. Well, it passed, but only 37 Republicans voted for it. I happen to have voted for it because I thought it was the right thing to do. But President Bush paid dearly with it because he got unelected in 1992, and one of the big issues was the budget of 1991.

Now let us go on to 1993. Remember that one. The Clinton budget. Well, I voted for parts of that and voted against parts of that, but I got the blame for all of that. In hindsight, the blame was not all that bad. But zero Republicans voted for that budget. It took all Democrats to vote for it.

Then let us fast forward to 1997, the Balanced Budget Agreement in 1997 that many give credit for the current fiscal situation. Well, here again 187 Republicans voted for it. It took a few of us Democrats, we Democrats to vote for it, too.

My point here is saying that we have always had, in most cases, bipartisan cooperation, sometimes bigger than others. But we seem to have wanted to get away from that. I hope, Mr. Speaker, that our colleagues that have been observing this today and perhaps others who may be a little bit puzzled maybe will have a few answers today of why some of us believe that the veto of the bill on the floor today was the right vote. We sustained it, just as some of us feel that the President's veto of the so-called marriage tax penalty is the right vote. I am one of those. I will say openly and honestly right now I will sustain that veto also.

Why do I say that? First off, I agree that we should not have a penalty on the marriage. Any two men and women married should not be penalized for being married. But it does not take $292 billion to repeal the marriage tax penalty. Most economists and accountants will say, no matter how hard we try, we cannot eliminate the penalty, but we can do the best job we possibly can with $82 billion. That is in the Blue Dog budget. That is what we will support, but not $292 billion.

I am saying this to alert, to just say to the leadership, if they insist, and I think they will, on continuing to have as the real centerpiece of their economic platform for November of a $1.3 trillion dollar tax cut, but they also believe that we have to increase defense spending and they also believe we have got to fix health care and they also believe we have got to take care of agriculture's problems and they also believe that we have got to fix Social Security. They cannot do all of those things unless they take a more fiscally responsible position. Mr. Speaker, that is why we take this hour today.

I will say again so that there shall be no misunderstanding by anyone observing or interpreting the vote today. The alternative that the President would have signed and will still sign, as he has stated, would have exempted all small businesses, all small businesses, farmers and ranchers included, up to $4 million from even having to consider paying the death tax. What is wrong with that? Effective January 1, 2001, not 2010.

If we really and truly want to deal with it in a fiscally responsible way, let us know that the partisan politics is over on this vote, let us roll up our sleeves, then let us see if we cannot put together some, as I said earlier, if the Democratic version is not perfect, let us roll up our sleeves and, for a change on the Committee on Ways and Means, work, Democrat and Republican, to make a better one. But let us make sure it fits within the budget restraints.

To get my vote on any compromise, it cannot be a backend loaded tax cut for death taxes, for marriage tax penalty, for any other tax. It is fiscally irresponsible, in my humble opinion, for this Congress to pass tax cuts that explode in 2010 and afterwards. If we want to do it, do it now. Have that open debate. But do not, do not backend load without first coming to this floor with the Social Security reform bill.

My colleagues will find that there will be bipartisan support, bipartisan support for a lot of the ideas kicking around as long as we are willing to openly and honestly pay for them. The bill that was vetoed today was not openly and honestly paid for. The truth, the whole truth and nothing but the truth.

I thank my colleagues for joining with me today, and we look forward to the continuing of this discussion next week and hopefully getting an agreement that will get 218 votes, 51 votes and a Presidential signature, ideally 435 and 100, but that will never happen, Mr. Speaker. But I suspect that we might find one that you and I will agree on.

ISSUES REGARDING THE DEPARTMENT OF EDUCATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I welcome the gentleman from Colorado (Mr. SCHAFFER) who is going to be joining me tonight as we talk about some

of the issues that we have dealt with on my subcommittee.

I chair a subcommittee dealing with the oversight issues dealing with the Education and Labor Departments. We are going to kind of take our colleagues through what we have found in our investigations, and some of the things are quite disappointing. On the other hand, there are some things that have been very, very exciting.

Let us start where we should, since we have responsibility for this agency, taking a look at the Department of Education here in Washington. This is a Department that spends approximately $40 billion per year. It also manages a loan portfolio in the neighborhood of $80 billion to $100 billion. So this is an agency that, under its control, has about $120 billion to $140 billion. It is a pretty large corporation if it were in the private sector.

Let us reflect back as to what we envisioned for an organization like this. In some ways, it matches what our Vice President AL GORE indicated early in the Clinton administration when he was talking about reinventing government, and that we saw these Federal agencies as representing the best in management practices, mirroring the best in management practices that one finds in the private sector.

If these management practices are in the private sector, it would make a lot of sense for the Federal Government and the agencies within the Federal Government to learn from what is the best practices and incorporate those best practices. I think in many ways that was what the Vice President, Vice President GORE, intended with his assignment to reinvent government.

In 3 weeks we will close another fiscal year. The disappointing thing is that, yes, the Education Department has been reinvented, but under this administration, it has been reinvented into something that none of us can feel very good about. Remember this is an agency that spends $40 billion on discretionary funds, manages the loan portfolio in the neighborhood of $80 billion to $100 billion.

What do we know? We know that, for the year 2000, the Department of Education will again fail its audit. It has failed its audit in 1998. It failed its audit in 1999. With testimony that we have received in our oversight subcommittee, it is clear that, once again, in 2000, the Department of Education will not have the internal controls, the internal systems in place that will enable it to receive a clean audit.

If that is what the Vice President means by reinventing government, then it is time that we take another look at exactly what this should mean.

When we have got an agency that does not get a clean audit, what does that mean in the private sector? I worked in the private sector, and I worked for a publicly held company. If one is in the private sector and one's independent auditors come in and take a look at one's books, and they indicate to one's shareholders, one's customers and to Wall Street that one's books are not an accurate reflection of what is actually going on in one's business, typically what will happen is the value of the stock will plummet, perhaps even the trading of one's shares will be suspended on the market. One will begin looking for a new chief financial officer. One may also begin looking for a new chief executive officer. Of course one would begin looking for a new person who said we are going to reinvent this company and make it the way that we would like it to perform. That is the private sector.

Why would that happen? This is why companies go through and get an audit. This is why we push to have Federal agencies become auditable. We know that when the books are not clean, and when the systems are not in place, what one is doing is one is putting in place a system of behavior that is ripe for waste, fraud and abuse.

That is why it is so critical in the private sector. That is also why it is so critical in the government sector. Because now approaching its third year of failed audits, what else do we know? Do we see a Department of Education that has the negative with the failed audits but everything else is fine? No. What we find within the Department of Education is a system that is full of waste, fraud and abuse.

Let us also define exactly what the Department of Education is. The Department of Education does not educate any of our kids. Basically what it does is it manages this $40 billion in discretionary spending. This is money that it sent around the country. It manages this loan portfolio. So basically what it is, it is a bank that distributes taxpayers' money. What we now know under the Vice President's definition of reinventing government it does not do it very well, because the auditors say there is no clear indication that the way that the Department of Education reports its spending actually reflects what happens.

□ 1845

So it is a bank. It distributes funds; it manages loans. What it does not do is it does not educate our kids.

What do we know about the failed audits? What do we see? What we do know is that it has a fairly elaborate process; that it has this $40 billion, and if a local school district would like to get some of that to reduce class size by hiring teachers, to maybe purchase technology, to get integrated into the Internet, it is about a 192-step discretionary grant process. The application and approval process is a very long and expensive process.

Now, with that kind of process, one would think it is foolproof. We would think out of those 192 steps, and by the way, this process used to be a whole lot longer but it was reinvented by the Vice President to only 192 steps, yet it still takes 20 weeks to get it done; but one would think, well, it is a good thing it has gone through that process because at least we will get it right. What are some of the examples and the reason we now know that that is not what is happening? ''Congratulations, you are not a winner.''

That is our Department of Education. The Jacob Javits scholarship. This is an opportunity where young people who are graduating from college have the opportunity to compete for and receive up to 4 years of graduate education from the Department, paid for by the American taxpayers. Linh Hua, a graduate student at the University of California, received a letter in February informing her that she had been selected to receive a Jacob Javits graduate fellowship. She was excited. If I were her parents or friend, I would be excited, because it means she is going to get $100,000 of education graduate school paid for.

She immediately informed the director of graduate studies at her institution. He in turn trumpeted the good news to the entire English department in a news announcement. It is exactly what anyone else would do if someone in their own class, in their own department were being recognized by the Department of Education for their academic achievement and they are being rewarded.

A few days later Linh received a message on her answering machine that she had received the letter in error. A mistake. The contractor working for the Department had erroneously sent award notification letters to 39 students informing them that they had won the awards. Thirty-nine students. Ms. Hua was crushed by the news. She describes her feelings in a letter to the chairman of the House Committee on Education and the Workforce: ''I think my heart snapped in half. News of the possible withdrawal was devastating to me, and I have not found words to break the news to my family and friends. How does one share such news and still hold her head up high? I continue to be visibly distracted from my work, family and friends, and will be in great emotional turmoil until I can trust that my fellowship will not be withdrawn. Surely you will agree that it is wrong for the United States Government to condone such treatment of its citizens.''

Members of the committee agreed. At their urging, and due to a provision lawmakers had the foresight to include, I guess we knew when the Vice President reinvented the Department of Education that these types of mistakes might happen, that due to a provision lawmakers had inserted into the Higher Education Act anticipating

such a mistake, the education department eventually agreed to award fellowships to these 39 students. The cost for this mistake was $4 million.

Reading, writing and robbery; a theft ring involving collaboration between outside contractors and education department employees operated for at least 3 years, stealing more than $300,000 worth of electronic equipment, including computers, cell phones, VCRs, and a 61-inch television set. It also netted from the agency, from the Department of Education, more than $600,000 in false overtime pay.

Very simple scheme. The Department of Education employee in charge of purchasing filed all these purchasing agreements or purchasing contracts. There were no controls monitoring what this person did. This is why auditing companies say we are not sure that what they were actually doing, or reflecting on the books, actually reflected what they were doing.

This individual ordered the materials and, rather than having it delivered to the Department of Education, they were delivered to these people's homes. What was in it for the phone guy? The phone guy was the one that was able to bill the Department for over $600,000 of false overtime pay. Who paid? The American taxpayer. Who lost? American students who were the ones intended to receive these benefits.

The education department improperly discharged almost $77 million in student loans for borrowers who falsely claimed to be either permanently disabled or deceased. This did not come from our committee; this came from the inspector general's report. From July 1, 1994 through December 31, 1996, fully 23 percent of all individuals whose loans were discharged due to disability claims were actually holding jobs, some earning more than $50,000 a year. A total of $73 million in loans was improperly forgiven.

During the same period, the good news is that 708 borrowers receiving death discharges actually were earning wages. They were still alive. But their loans had been written off for a total of $3.8 million, a total of $77 million.

September: failing Proofreading 101. In September 1999 the education department printed 3.5 million financial aid forms containing incorrect line references to the IRS tax form. The forms were incorrect, had to be destroyed, and 100,000 of them that had been distributed to schools had to be recalled. The cost of the error was $720,000.

The list goes on and on about this mismanagement within the Department of Education. The disappointing thing is the Department of Education still has not been, as the Vice President would have described it, reinvented to a standard that hundreds of thousands of companies around America have to meet each and every day. They have clean books, a clean set of standards. Imagine the IRS going into a company and contesting their tax bill and saying, wow, we think you owe us some money, and the owner of the company coming out and saying, well, we reinvented our company last year so our books are not quite clean; but we think that our books roughly approximate what actually happened within our company. So based on those rough estimates and our books, we think that the tax that we paid you roughly reflects what we actually think we owe you.

I do not think the IRS would show the same kind of sympathy that we have shown to the Department of Education.

It is time for this Department to clean up its act and become reinvented. Actually, it does not even need to be reinvented. What we would like it to do is just to actually meet the standards that are out there in the private sector each and every day.

I see my colleague from Colorado has joined me. I do not know if he wants to add on to some of these examples or talk about others. My colleague from Colorado and I have taken a look at the Department of Education and found the bad news, the bad news on the education front in Washington, that we have a Department that has responsibility for $100 to $120 billion and cannot get a clean set of books and is ripe with waste, fraud, and abuse; but the good news is what my colleague and I have seen as we have gone to 21 States and seen the great things that are happening in education in America today when we empower parents, teachers, and administrators at the local level to focus on educating their kids.

We have seen tremendous things in the Bronx, in Cleveland, Milwaukee, Little Rock, Arkansas, L.A., Muskegon, Michigan. We have seen some great things in education as we have gone around the country. That is the exciting thing. And it is a sharp contrast to what we see here in Washington.

Mr. Speaker, I yield now to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. I thank my colleague for yielding, and I also appreciate the examples that he laid out. They are very sad and they are very unfortunate that the Department of Education wastes and squanders and abuses the taxpayers' money to the extent that it does. But that is really no surprise though, Mr. Speaker. This is Washington, D.C., after all; and the Federal Government wastes, squanders, and loses money in virtually every department that the Federal Government operates. It is just regrettable that the Department of Education is one of the worst.

In the audits that the Congress requires various agencies to carry out, the Department of Education in 1998 could not even audit its own books. The books were so bad, so poorly kept, that they were just unauditable. And I remember the hearings that we held together, that the gentleman chaired, where we brought the Department of Education in and wanted to know where did the money go. We noted that they get billions of dollars, and we share the dream and the goal that these dollars should be spent on children in classrooms. We care about education and we want to see our children have the best resources, and really unlimited, if possible. And to a great extent that is possible, even with the money we are spending now. But the reality is not only do we know for certain that a tremendous proportion of the dollars that the American taxpayer spends never make it to the classroom, it is so bad that the Department could not even quantify that amount because it could not even balance its own books.

It is spending money, Mr. Speaker, without the ability to track these dollars and let the American taxpayers know what it has done with those funds, those important revenues. So that I think the real message is that waste, fraud, and abuse exists in the Department of Education. It is graphic, it is ugly, it is miserable, it is unfortunate, and we want to fix that. And first of all, the way we fix these kinds of problems is by admitting them, openly and publicly, by talking about them and trying to find out how we fix these problems.

The goal is not really to have more and better government. Our goal is to get resources to the children that matter most. I have five kids, three of them are in public schools right now. I know the gentleman has children as well that are in public schools, and we take this matter very personally, Mr. Speaker. Our goal and our mission is to fix government in a way that allows the money that the American taxpayers spend really get to the children we care about, the children that deserve a chance in America.

Mr. HOEKSTRA. If the gentleman will yield for a moment, I will just correct one thing. My children are in a parochial school. So that is a little bit different.

But if we are talking about reinventing, I go back to this other account that the gentleman and I have had some real frustration with, which is the grant back account. The gentleman and I have on occasion, may have called it, or I think others have referred to it, as a slush account. This is a $700 million account. The General Accounting Office went in and took a look at it, and out of this $700 million, which is supposed to be designated only for money that comes back from schools that have misused grants and it goes into this account and then

those schools can reapply once they get things straightened out, out of the $700 million that is in this account, only $12 million of it was there under legitimate circumstances. The rest of it just kind of happened to find its way there. And when GAO said, how did it get here, they could not say how it got there. And when they spent it, they could not say where they had the authorization or where they had actually spent the money.

Then, when we compare that definition of reinventing government, I mean where the real reinvention and the real excitement and energy in education is happening today, it is at the State level and it is our local schools who are integrating technology, who are focusing on the needs of their kids. I do not think my colleague was in the Bronx with me in New York when we went to Cardinal Hayes High School, but this is one of the toughest areas; and here is a school that has reinvented itself and is doing some great things. They are turning out some great students in one of the toughest areas of New York City. And there are local schools all over the country each and every day that are reinventing themselves.

A lot of times, when we have talked to some of these schools, they tell us that the only thing that is standing between them reinventing themselves to the extent that they would like to, to meet the needs of their kids, a lot of time it is Federal rules and regulations that say they cannot go where they want to go.

□ 1900

So we have got a department in Washington that has reinvented an agency that cannot deliver. If the Vice President is really interested in reinventing education and reinventing government, what the Vice President needs to do is the Vice President needs to take a look at the reinvention and education that is going on at the local level.

We have been to 21 different States. That is where the excitement is. That is what the focus is on, kids and learning, rather than bureaucracy and paperwork.

Mr. SCHAFFER. Mr. Speaker, and that is the real message that I hope our colleagues will ponder, that we frankly do not look to the U.S. Department of Education, the Federal Government, to define the terms of quality in education across the country.

We do have 50 individual States, each a laboratory in and of themselves; and each that we see is free to be innovative, to weigh the risks of new programs and new ideas against the successful models and the record of their 49 counterparts and colleagues throughout the rest of the country. And States are in a better position to act more swiftly than the Federal Government is. States are closer to the people.

The elected officials are much more accountable than the bureaucrats down the street here from where we are here at the U.S. Department of Education. That is the front line. The States are the front lines of education reform.

And States differ. Some States have a more decentralized approach where local school districts are able to innovate each further at a more local level. Some States are a little more centrally controlled at their State capitals. But in no case should we ever not be willing to trust the future of our children and their ability to grow intellectually to a small group of folks here in Washington, D.C., over at the Department of Education whose goal today, facilitated by this centralized governing types down at today's White House, to collect this authority and power in Washington, D.C., to define the terms of quality, to define how a dollar will be spent in a classroom.

And of course, with the track record of the U.S. Department of Education, it is the last organization we should trust to get the Nation's precious resources and tax dollars to the children that we ultimately care about most.

This is an important topic for the whole country. The USA Today newspaper, I do not have the date on here, it was just a few days ago and I ripped this out of the bottom of the newspaper, this is a survey among Web users, and the top five problems in our society according to a survey of Internet users and of the people that they surveyed on the Internet, 37.7 percent identified education as the number one priority.

I contrast that with, again five priorities total, the next one was Government intrusion into people's lives. That was down at 10.2 percent. Then you have crime, political corruption, and rising health care costs, which trail just a few percents behind that. But given the huge number of individuals that responded, an overwhelming majority identified education as their top priority.

We are hearing this around the country that parents care about how much money they are spending on taxes, they care about the corruption and the lack of integrity we have seen in the White House over the last 8 years. They care about a strong national defense, they care about foreign policy, they care about the environment and health care and all the rest. But education repeatedly as a topic comes up as the number one concern among the people we speak with and have heard from as we travel around the country.

Mr. HOEKSTRA. Mr. Speaker, if we build off of how education is being reinvented around the country, recently my colleague and I were in Minnesota where they are talking about a plan that really reinvents some of their spending and focuses it around parents by giving them tax credits and tax deductions. So Minnesota is working on a reform plan.

Then we have been to Arizona, Michigan, California, at least three States and two of them leading the way on charter schools, Arizona and the State of Michigan. And that is helping to improve all of education within those States. But they are experimenting with charter schools.

Then my colleague and I were in Florida together for a hearing. We were in Tampa. The State of Florida has taken it one step further where they are now actually creating charter school districts so that a whole school district can apply for a charter which says, our relationship now with the State is very, very different. We are not going to focus on bureaucracy and paperwork and process for a greater degree of freedom. What we are only going to focus on is learning.

And then Illinois has reached a unique arrangement with the Chicago public school system, which is one of the largest school systems in the country; and for all intents and purposes, they have created a large charter school relationship with the City of Chicago for their public schools. And again, what they said is, let us forget about all these categorical programs, because the only thing that we really want to focus on, so the State of Illinois rather than now funneling a whole bunch of separate checks to the City of Chicago, now really sends them two, sends them one for general operating and one for special education. And then what they say, on a yearly basis, we are going to come back and we want to review with you the actual results of kids' learning.

So those are the kind of reforms and the reinvention that is taking place at the State level. We have tried to do the same thing here in Washington by creating charter States where States can have a different relationship with the Federal Government that says we are going to do this as a pilot program, hopefully with 10 States, by giving them freedom to move dollars around from program to program; and Washington is no longer going to be going through these 219 steps for grants and audits and those types of things. What they are going to do is they are going to say, as a Federal Government, we are going to reinforce what you are trying to do at the State level, which is to focus on learning with children. That is where we need to go.

Mr. SCHAFFER. Mr. Speaker, it is an interesting thing. What we are really talking about is treating States like States rather than subjects of a centralized Federal Government.

Power was always meant, even by our Founders, to flow from the bottom up, not from the top down, in America. But with respect to the Department of Education, it was about the 1970s when President Carter occupied the White

House that we saw the Department of Education begin to take that authority from States.

So here we are today on the House floor talking about the liberty and freedom that States deserve and rightfully possess to build schools that reach out to children and talking about that almost in revolutionary terms. We have to wage a small war here in Washington simply to allow States to be treated like States.

And my colleague is right, we have seen all across the country great approaches. Governor Jeb Bush in Florida and Lieutenant Governor Frank Brogan in Florida have really led the way at providing real liberty and real freedom to local communities. And they do that based on results.

Those States that hold children in the greatest peril, school districts that are failing in Florida, are the first places they have started in Florida to begin to provide educational opportunity to parents. So you have parental choice in those districts.

I remember the woman we heard from, the mother from the inner city, I cannot remember what city she was from, but we heard her testimony in Tampa, and she came and said, you know, my school was failing. It was rated poorly by the State and failed a couple tests in a row. And the response from our State was to let me, the parent, decide where to send my child to school.

Now, she could have chosen to send her child to the same failing school, but she, like most parents, wanted something better. And so, she drove her child to a different neighborhood not too far from where she lived and found a school where her child was thriving. And she was almost to tears I remember in front of the committee with joy thanking the State of Florida, Governor Bush, Lieutenant Governor Brogan for passing this program in Florida that allowed this parent to be treated like a real customer for the first time and a program that allowed her child to be the center of attention, the center of emphasis in education, not the government school building, not the government employees who are part of a failed system, but to put children first.

That is a model that I think we are pushing for throughout the country and would like to encourage, but it needs to be driven by States.

I will provide one more example as to why we should not look to Washington to reform.

Mr. HOEKSTRA. Mr. Speaker, before my colleague goes there, yeah, the testimony that we had in Florida from that mother was awesome and a sharp contrast to the testimony that we received a couple of years earlier in New York City, where I believe a father came in and testified and said, 5 years ago I knew that the New York City schools were some of the worst schools in the country. But they had a 5-year plan to improve; and I had no choice, I had to send my child to the school that they told me she should go to. He said, it is now 5 years later and the schools are no better and, if anything, they may be worse, and they have got a new 5-year plan. I have no choice. But what if this 5-year plan does not work any better than the last one? Then I have had my child in a failing school for 10 years, and I am going to lose my child.

And as excited and as close to tears as the woman was in Tampa because of the positive things that were happening, we saw the same thing in New York City on the other side, a father almost coming to tears saying, I have no choice. I know the schools are not any good, but have I got no choice and that is where my son or daughter is going to have to be. And what hope does my child have if they are going to be in a school that cannot teach them and that is where they spend the 10 or 11 years that are key and formulative in enabling them to get the basics?

So it is about people. It is not about bureaucracies. It is about parents. It is about kids, and it is about parents wanting to have the best opportunities for their kids, whether it is in the Bronx, whether it is in Cleveland, or whether it is in Tampa or whether it is in Colorado or Michigan.

Mr. SCHAFFER. And parents do want the basics for their children. I think most parents understand and if given a choice would choose the kind of schools that build for their children the kind of intellectual foundation that allows them to learn more and at exponential rates as they grow older and begin to grow in an academic setting.

I have got a question for my colleague, and that is the three R's. In Michigan I assume the 3 R's means about the same thing as it does in Colorado. What do the three R's mean to people in Michigan?

Mr. HOEKSTRA. Reading, writing, and arithmetic.

Mr. SCHAFFER. My parents, oddly enough, were educated in Michigan and grew up there. My father became a school teacher and that is what took him to Cincinnati, Ohio, where I was born. He taught all of his life until he just retired a few years areas ago.

When I grew up and went to school in Ohio, the three R's meant reading, writing, and arithmetic. That is what my father taught in the classroom, as well. And when I moved out to Colorado, that is the kind of education I was looking for for my children were schools with reading, writing, and arithmetic, the basic, most fundamental foundational of learning.

I mention all that and I kind of refer to the three R's that way because today, September 7, the Secretary of Education made a speech, it was his annual back-to-school address entitled ''Times of Transition,'' he made the speech today before the National Press Club. I was going through this before I came over to find out what the Secretary of Education, and this is the person, for those who are unfamiliar, is the person who is the head of the U.S. Department of Education, this is the guy who is in charge.

Mr. HOEKSTRA. Who for 8 years has been in charge now. I think he is the longest serving member of the President's cabinet and has been there since day 1 almost and in 3 weeks will deliver the third set of unauditable books, or a failed audit, to the auditors.

Mr. SCHAFFER. That is right. And before I get to this, I will also add to that, what these failed audits represent is money failing to get to children in American schools. That is what matters the most.

Anyway, here is what he says today, the Secretary of Education, in his speech to the National Press Club: ''We need to focus on what we like to call the three R's over at the Department of Education.'' You would think it would be reading, writing, and arithmetic like it is everywhere else in America. No, the three R's over at the Department of Education is relationships, resilience, and readiness. That is what the emphasis is over at the Department of Education.

Now, relationships, resilience and readiness are important things. I have no doubt about that. But in a Nation that squanders and wastes as much money as it does by giving it to the U.S. Department of Education and allowing that agency to get by without the ability to balance its books and the inability to get those precious dollars to children and a Nation that is lagging behind our international competitors in math and science, that is not right.

□ 1915

Mr. HOEKSTRA. For our colleagues, the information is clear on international testing. The U.S. comes out somewhere between 17th to 19th out of 21 industrialized countries. That is not good enough. That is not good enough for my kids. That is not good enough for your kids. On this, this is something that I am very selfish about. It is time to reinvent education so that our kids score the best in the world, and I hope everybody else in the world is on the same level as what we are; but it is unacceptable to have the rest of the world 1, 2, 3, 4, 5 and it is kind of like, hey, where is the U.S.? we are down here 17th, 19th. It is not good enough, and it is unacceptable.

Mr. SCHAFFER. My point being is that in a Nation where we have unacceptable national test scores in comparison to our peer nations as industrial countries, in a country where we know we have problems in education in

America, Americans would expect and should expect the leader of the U.S. Department of Education to acknowledge that we have a problem, we have got to get serious about it, and we have got to get focused on fixing it. The way that we usually do that back in your State and the State I grew up in Ohio, and the State I live in now, Colorado, and in virtually all other States in the union is we start focusing on the basics, getting the money to children and start focusing on reading, writing, and arithmetic. We can add to that a little bit, science and history and so on and so forth. But over at the Department of Education, as of today, our new goal is to redefine, to reinvent the three Rs to be relationships, resilience, and readiness. I am not making this up, Mr. Speaker.

Mr. HOEKSTRA. You get what you measure. If the Department of Education is now measuring relationships, resilience, and readiness, that is probably what we will get, at least from the programs and the emphasis, the programs that the Education Department funds. If that is reinventing government, I do not want it. I mean, I want my kids to know reading, writing and arithmetic. They need the basics.

Under the Department's definition of the three Rs, if we focus on, I cannot believe these three, relationships, resilience, and readiness, when we focus on those three, we get the fourth R, which is what we have also seen as we go around the country, we get remediation. When you focus on relationships, resilience, and readiness, we are going to get remediation. What is remediation? What remediation is, and this is when we have gone to our colleges and we find that one of the fastest growing programs on college campuses today is remediation because kids entering college cannot read or write at a ninth or 10th grade level or an eighth, ninth or 10th grade level, which means when they get to college they have got to be remediated to get their learning up to that level. And if remediation is one of the fastest growing programs on campus today, then it is time for us to reevaluate as to whether relationships, resilience, and readiness are what we need to be focusing on.

Mr. SCHAFFER. I do not want to denigrate these concepts. These are important things, obviously. But for anyone in a position such as the Secretary of Education in the Clinton administration is, for anyone to be in the position that he is, to define for the Nation these goals as a replacement for the basics in education, it is an indication of why we are in trouble in America and why the U.S. Department of Education is frankly incapable of being part of the solution. It nine times out of 10 is actually the source of the problem. We just need to let professional teachers do the job they are trained to do and let parents have the liberty and freedom to place their children in the kinds of academic settings that earn the confidence of knowledgeable, loving parents. These are the people, after all, who know the names of the children and care about them most. I guarantee you that the Secretary of Education does not know the names of my kids, and he would have a good fight on his hands if he wanted to presume he cared about them more than I did.

Mr. HOEKSTRA. But this is reinventing government from maybe the Vice President's perspective, I am assuming that this is the position of the administration, this is the longest serving Cabinet member; and this is how they have now reinvented government, moving from the Department of Education which should be saying our, I would think close to our only, our most important goal is academic excellence for each and every one of our children and we are not going to leave one behind and we are going to allow every child to achieve their full potential.

What we are now going to have under these measurements is a bunch of children who are going to have great relationships, they are going to be able to get along well, they are going to be prepared for not being able to have the basics and they are going to be able to bounce back and be resilient. This is not brain surgery. The Department of Education should be striving for academic excellence in each and every school in this country.

Mr. SCHAFFER. These are good goals, but they really mean a lot more if you are smart on top of that. There may be some citizens, some of our constituents perhaps, who would prefer that relationships, resilience, and readiness as the Clinton administration states should be more important and the goal of education rather than reading, writing and arithmetic, science, history and all the rest. I think there ought to be a school for those parents. I think there ought to be places around the country where teachers who agree with Secretary Riley, where Secretary Riley can send his grandkids, I suppose, where people who agree that these concepts are more important than real learning can send their own kids.

The problem is you have somebody with a goofy idea here in Washington that wants to impose these values on your children, my children, everybody else's children and it is just wrong. We do not get to vote for Secretary of Education. This is an appointed person. He does not hold town meetings in my neighborhood like I do or in your district like you do. He is not accountable to anyone in my district or anyone who is a parent of these kids who he thinks should be focusing on relationships, resilience, and readiness.

Mr. HOEKSTRA. Let us cut the Secretary a little bit of slack. We know exactly what he is talking about. Relationships. When you go into the workforce today, you recognize that many companies today are talking about participative management; they are talking about team concepts, being able to work in groups and those types of things and that is the relationship factor. But also coming out of a company that focused very heavily on teamwork, participative management and those types of things, you also knew that for somebody to get on the team, they had to have the basic skills to do the job and the assignment that they were given as part of that team. They did not get on the team because they could really relate well to you and because they were ready and because they were resilient. They were on the team first and foremost because they had the skills to do the job that was required, and the teamwork part came second.

But the first criteria was do they have the skills to get the job done? And I think in some cases that is maybe where the Secretary is just moving off track here, is we have got to work with our kids to make sure they know the basics before we move on to some of these other issues.

Mr. SCHAFFER. I think these nutty ideas that come out of the Clinton-Gore administration provide a more clear emphasis on the need for choice, for parental choice, for parental involvement in academic settings. That is frankly where the liberals in the Democrat Party and the more moderate and conservative Members who are on the Republican side of the aisle differ with respect to our approach on education. We on the Republican side genuinely believe that we can trust parents. We genuinely believe that when you elect a local school board member to make decisions about what the curriculum should be, about how much a teacher should be paid, about whether a scarce tax dollar should be spent buying a new bus or repairing the roof or maybe giving the teacher a pay raise, that those are the folks that can be trusted.

We do not need to be second-guessing them every day here in Washington, D.C. That is the real battle that takes place. It is unfortunate that so often it is misrepresented in the press or by our opponents or the media, in other words. Our goals are probably fundamentally the same. We want to build an education system in America that helps children. We favor a decentralized model that is decentralized right down to the last school, even beyond that, even for those who want to educate their children in their own homes, in their church school, or wherever they want to educate them. We want to allow this marketplace of competitive ideas to take place, versus our Democrat friends, the Clinton-Gore model of centralized authority here in Washington where left-wing ideas out of

their bureaucratic agencies come to define the failing terms for children all across America.

Mr. HOEKSTRA. I think what we are also saying is that by empowering parents, that if in the local community you have got a school superintendent or a school that says, our model and our priorities, we are going to match what the Department of Education, what Secretary Riley is promoting, our school is going to focus on relationships, resiliency and readiness; and if you have got another school saying we are focused on the basics and when your children leave our school, they are going to be at class proficiency or grade proficiency in reading, writing and math and, as a matter of fact, our objective is to have your kids at one or two levels above grade proficiency in each of those areas, a parent at that point in time should have the option of saying, for what I really want for my kids, that is the school I want to go to. Maybe some will choose the Secretary's model, and they will have the opportunity to go to that type of school. But we should not have a top-down approach from Washington saying this is what every school district is going to focus on.

Mr. SCHAFFER. You mentioned earlier, in 3 weeks the U.S. Department of Education is going to announce that they have failed another audit, that once again they have done a poor job of accounting for the billions, almost $130 billion that they manage, that they cannot account for it very well, the kind of audit that would result in a private company's stock crashing through the floor.

Yet our Department of Education, after coming to Congress and saying we cannot audit our books, then when they did bring us an audit for the subsequent year, 1999, they got an F. Now they are going to bring us another audit that they will fail again. That is a tragic event. It is important to note, though, because what such rampant and wholesale mismanagement of funds really represents is, one, a tremendous amount of sacrifice by the American people who work hard to pay taxes and send them here to Washington, D.C. in hopes that we are going to do something responsible with them. Secondly, it suggests that people in Washington do not take those tax dollars seriously. Third, it suggests that people in Washington do not take the children seriously who are affected by this waste, fraud and abuse in the Department of Education.

Finally, what it suggests is that there are billions of dollars that American taxpayers send to Washington, D.C. that will never get near a child, who like every child in America is repeatedly exploited by the bureaucracy here in Washington to get one more dollar out of the taxpayers' pocket for the children. Yet some of those folks over there have no intention of doing anything different that will result in those dollars really helping children. That is what we are here to try to fix. That is what we want to help. As we travel around the country, that is what we hear school board members say. They do not say, spend more on education. They say, get the money to us. We know what we are doing. We are trained for this. We are elected for this. We know your children and we are professionals. Just get us the money and get out of the way and we will produce results. And when we do that, we know that they are right. Schools do perform better when they have fewer strings, fewer regulations, fewer government agents and bureaucrats snooping around in their files and in their classrooms and getting in the way.

Mr. HOEKSTRA. And they will have a clean audit.

Mr. SCHAFFER. Yes. And with fewer responsibilities and more dollars passing through to the States and the school districts, it will be easier for the, I do not know how many accountants, hundreds of accountants over there in the Department of Education to be able to come back to this Congress and say, the money got to children, we can show you, we can prove it, congratulations, job well done. We are a long way from that goal, but that is our dream.

□ 1730

I am about ready to yield back the balance of my time, and I did not know if my colleague from Colorado (Mr. SCHAFFER) wanted to talk about any other issues tonight.

Mr. SCHAFFER. Mr. Speaker, there is one topic I would like to bring up only because we have adjourned and there is no business left for the rest of the week, and we will be back next week; but I wanted to point out a piece of legislation that was introduced by the Democrats prior to our 1-month recess. It was a bill introduced on July 19 by the gentlewoman from California (Ms. WOOLSEY).

This is a bill, and I will just read the title of it, it is H.R. 4892, to repeal the Federal charter of the Boy Scouts of America. This is a bill, Mr. Speaker, I hope we will all focus on and look at its pernicious motives and also take a look at the legislation's effort to try to pull the rug out from underneath one of the most important civic charitable organizations in our country, the Boy Scouts of America.

This is a bill that is designed to end the Boy Scouts of America. This is an organization that for many, many years, I think 1916 was the year the Scouts was started, I have some statistics on the organization, 90 years ago, that for many, many years has trained and nutured many young boys and has taught them to become responsible young men and adults in our community and in our society; and because of the intolerance, because of the bigotry of some Members of Congress, they have seen fit to go on a rampage to try to eliminate the Boy Scouts of America and revoke their charter.

It is irresponsible, and I hope it is something that our President and Vice President and others will speak out on and let us know where their sentiments lie, what their positions are, where they stand with respect to the Boy Scouts of America.

I have one son who is a member of the Boy Scouts. It is a remarkable organization that has made a dramatic difference in his life. And this is all about the Boy Scout charter and its mission to try to promote the morals and values and teaching skills that will help them throughout their lifetimes.

And for anyone here in this Congress or throughout the rest of the country to attack the Scouts for such a noble mission is just inexcusable and one that I assure all of those Scouts who are concerned about the issue and others who are concerned about the future of the Boy Scouts that there are many Members of Congress that will rise and come to the aid of this important organization.

This is an issue that the critics of the Boy Scouts somehow suggest that the organization lacks a certain amount of diversity, which is not true. If we just go to the Boy Scout Web site and look at their policy statement on diversity, it says more than 90 years ago the Boy Scouts of America was founded on the premise of teaching boys moral and ethnical values through an outdoor program that challenges them and teaches them respect for nature, one another and themselves. Scouting has always represented the best in community, leadership and service.

The Boy Scouts of America has selected its leaders using the highest standards because strong leaders and positive role models are so important to the healthy development of youth. Today, the organization still stands firm that their leaders exemplify the values outlined in the Scout oath and law.

It goes on, on June 28, 2000, the United States Supreme Court reaffirmed that the Boy Scouts of America's standing as a private organization with the right to set its own membership and leadership standards.

The Boy Scouts say here in their policy statement that Boy Scouts of America respects the rights of people and groups who hold values that differ from those encompassed in the Scout oath and law, and the BSA makes no effort to deny the rights of those whose views differ to hold their attitudes or opinions.

It goes on, it is a very nice statement, one that I think the Scouts should be proud of, and that all of us here in Congress should keep in mind

when this unfortunate legislation makes its way through the process to revoke the charter of the Boy Scouts of America, because the Democrats have decided that this is an organization that no longer warrants support from the Congress and from the Federal Government.

So my message to Members is there is a large and growing coalition of us who will rise to the defense of the Scouts and do everything we can to make sure that the young men that are part of the organization are led by competent, capable, trustworthy leaders that are able to conduct themselves in a way that is consistent with the Scout oath.

I just want to mention that, Mr. Speaker, for the RECORD it is a very serious issue and it is unfortunate that we have to have this debate, and I think it is going to probably escalate in terms of the intensity as time goes on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BENTSEN) to revise and extend their remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, September 11, 2000, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–402, ''Closing of a Portion of a Public Alley in Square 4337, S.O. 95–94, Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–385, ''Steve Sellow Way, N.E., Designation Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9892. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–384, ''Andrew J. Allen Way, N.E. Designation Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–396, ''Seniors Protection Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–386, ''Diabetes Health Insurance Coverage Expansion Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–397, ''Environmental License Tag Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–399, ''Water and Sewer Authority Collection Enhancement Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–400, ''Conflict of Interest Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–401, ''Reinsurance Credit and Recovery Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–404, ''Insurance Agents and Brokers Licensing Revision Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–403, ''Metrobus Ticket Transfer Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–389, ''Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–387, ''State Education Office Establishment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–418, ''Freedom From Cruelty to Animals Protection Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–407, ''Insurer and Health Maintenance Organization Self-Certification Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9905. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–406, ''Sentencing Reform Amendment Act of 2000'' received September 07, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9906. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–226–FOR] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9907. A letter from the Assistant Director, Communications, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Notice of Interim Final Supplementary Rules on Public Land in Utah [UT–030–1652–PA–24 1A] (RIN: 1004–AD40) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9908. A letter from the Acting Director, Office of General Cousel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Proposed Exemption Amendments Under 18 U.S.C. 208(b)(2) for Financial Interests in Sector Mutual Funds, De Minimis Securities, and Securities of Affected Nonparty Entities in Litigation (RIN: 3209–AA09) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

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. YOUNG of Alaska: Committee on Resources. S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; with an amendment (Rept. 106–823). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1124. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes; with an amendment (Rept. 106–824). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3632. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; with an amendment (Rept. 106–825). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3745. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; with an amendment (Rept. 106–826). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2163. A bill to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse''; with amendments (Rept. 106–827). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse'' (Rept. 106–828). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2984. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; with an amendment (Rept. 106–829). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1460. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe (Rept. 106–830). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1751. A bill to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes; with an amendment (Rept. 106–831). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2674. A bill providing for conveyance of the Palmetto Bend project to the State of Texas; with an amendment (Rept. 106–832). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3388. A bill to promote environmental restoration around the Lake Tahoe basin; with an amendment (Rept. 106–833 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1161. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes; with an amendment (Rept. 106–834 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X Committees on the Judiciary and Commerce discharged. H.R. 1161 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X Committees on Agriculture and Transportation and Infrastructure discharged. H.R. 3388 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1161. Referral to the Committees on the Judiciary and Commerce extended for a period ending not later than September 7, 2000.

H.R. 3388. Referral to the Committees on Agriculture and Transportation and Infrastructure extended for a period ending not later than September 7, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT:

H.R. 5120. A bill to amend the Small Reclamation Projects Act of 1956 to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; to the Committee on Resources.

By Mr. SHAW:

H.R. 5121. A bill to authorize a comprehensive Everglades restoration plan; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY:

H.R. 5122. A bill to amend the Health Care Quality Improvement Act of 1986 to provide for the availability to the public of information reported to the National Practitioner Data Bank under such Act, to establish additional reporting requirements, and for other purposes; to the Committee on Commerce.

By Mr. TANCREDO:

H.R. 5123. A bill to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; to the Committee on Education and the Workforce.

By Mr. BALDACCI:

H.R. 5124. A bill to designate the facility of the United States Postal Service located at 14 Municipal Way in Cherryfield, Maine, as the ''Gardner C. Grant Post Office''; to the Committee on Government Reform.

By Mr. BEREUTER:

H.R. 5125. A bill to amend the Agricultural Market Transition Act to provide for the payment of special loan deficiency payments to producers who are eligible for loan deficiency payments, but who suffered yield losses due to damaging weather or related condition in a federally declared disaster area; to the Committee on Agriculture.

By Mrs. CHRISTENSEN (for herself, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA):

H.R. 5126. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Commerce.

By Mrs. CHRISTENSEN:

H.R. 5127. A bill to amend the Harmonized Tariff Schedule of the United States with respect to the production incentive certificate program for watch and jewelry producers in the United States Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. NEAL of Massachusetts):

H.R. 5128. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. DEUTSCH:

H.R. 5129. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to the equivalent of a $5,000,000 exclusion and to provide an inflation adjustment of such amount; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. PACKARD, and Mr. THOMAS):

H.R. 5130. A bill to authorize the Secretary of the Interior to provide cost sharing for the CALFED water enhancement programs in California; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5131. A bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes; to the Committee on Commerce.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. FRANKS of New Jersey, Mr. GILMAN, Mr. HINCHEY, Mrs. ROUKEMA, Mr. SAXTON, Mrs. MCCARTHY of New York, Mr. KING, Mr. LOBIONDO, Mr. PALLONE, Mr. PASCRELL, Mr. LAZIO, Mr. CROWLEY, Mr. WEINER, Mr. SWEENEY, Mr. FOSSELLA, Mr. SERRANO, Mr. SMITH of New Jersey, Mr. MEEKS of New York, Mr. PAYNE, Mr. MENENDEZ, Mr. ANDREWS, Mr. KLECZKA, and Mr. ROTHMAN):

H.R. 5132. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 5133. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON:

H.R. 5134. A bill to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Coleman Post Office''; to the Committee on Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, Ms. MCKINNEY, and Mr. NORWOOD):

H.R. 5135. A bill to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in underserved American communities as the ''Paul D. COVERDELL Fellows Program''; to the Committee on International Relations.

By Mr. MCCOLLUM:

H.R. 5136. A bill to make permanent the authority of the Marshal of the Supreme

Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds; to the Committee on the Judiciary.

By Mr. MICA (for himself, Ms. ROYBAL-ALLARD, Mr. WOLF, Mr. WAXMAN, Ms. PELOSI, Mr. HOYER, Mr. WAMP, Mr. RAMSTAD, Mr. PORTMAN, Mr. BROWN of Ohio, Mr. MARKEY, Mr. DAVIS of Virginia, Mrs. CAPPS, Mr. HINCHEY, Mrs. LOWEY, Mr. REYES, and Mrs. MORELLA):

H.R. 5137. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Commerce.

By Mr. MORAN of Kansas:

H.R. 5138. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to the equivalent of $4,000,000; to the Committee on Ways and Means.

By Mr. NORWOOD:

H.R. 5139. A bill to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia; to the Committee on Veterans' Affairs.

By Mr. PALLONE:

H.R. 5140. A bill to amend title XVIII of the Social Security Act to provide for coverage of pharmaceutical care services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 5141. A bill to direct the Secretary of Agriculture to release the reversionary interest of the United States in certain land located in Sumter County, South Carolina, to facilitate a land exchange involving that land and to provide for an exchange of the mineral interests of the United States in that land; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 5142. A bill to amend title XVIII of the Social Security Act to provide under contract with a Medicare carrier for an official website through which Medicare beneficiaries and others can obtain Internet access to safe and competitively priced domestic and international prescription drugs, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mrs. NORTHUP):

H.R. 5143. A bill to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive, in Paducah, Kentucky, as the ''Morgan Station''; to the Committee on Government Reform.

By Mr. WHITFIELD (for himself and Mrs. NORTHUP):

H.R. 5144. A bill to designate the facility of the United States Postal Service located at 203 West Paige Street, in Tompkinsville, Kentucky, as the ''Tim Lee Carter Post Office Building''; to the Committee on Government Reform.

By Mr. BOEHLERT (for himself and Ms. SLAUGHTER):

H. Con. Res. 391. Concurrent resolution recognizing the contributions of Susan B. Anthony and Elizabeth Cady Stanton to the women's suffrage movement; to the Committee on the Judiciary.

By Mr. FORBES (for himself, Mr. FOSSELLA, Mrs. CAPPS, Ms. DANNER, Mr. BROWN of Ohio, Mr. MARTINEZ, Mr. MCNULTY, Mr. HOYER, Mr. MCGOVERN, Mr. FROST, and Mr. LIPINSKI):

H. Con. Res. 392. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in recognition of the services rendered by this Nation's volunteer firefighters; to the Committee on Government Reform.

By Mr. LAMPSON:

H. Con. Res. 393. Concurrent resolution expressing the sense of the Congress in remembrance of the 100th anniversary of the devastating hurricane which struck Galveston, Texas, on September 8, 1900; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. MORAN of Virginia, Mr. DOYLE, and Mr. PRICE of North Carolina.

H.R. 148: Ms. VELÁZQUEZ.

H.R. 207: Ms. PRYCE of Ohio.

H.R. 303: Mr. MCKEON.

H.R. 306: Mr. REYES.

H.R. 353: Mr. TURNER, Mr. REYES, and Mr. PICKERING.

H.R. 355: Mr. GEORGE MILLER of California.

H.R. 372: Mr. HYDE and Mr. JONES of North Carolina.

H.R. 488: Mrs. JOHNSON of Connecticut.

H.R. 531: Mr. HOBSON, Mr. SHADEGG, Mr. MCKEON, Mrs. WILSON, Mr. CHABOT, Mr. GREEN of Wisconsin, and Mr. SANDERS.

H.R. 534: Ms. DANNER.

H.R. 762: Mr. GALLEGLY.

H.R. 796: Mr. PORTMAN.

H.R. 865: Mr. BLILEY, Mr. WELDON of Florida, and Mr. PRICE of North Carolina.

H.R. 1039: Mr. COX.

H.R. 1071: Mrs. LOWEY.

H.R. 1187: Mr. BECERRA and Mr. HALL of Texas.

H.R. 1188: Mr. BORSKI.

H.R. 1239: Mr. LAZIO, Mr. BASS, and Mrs. ROUKEMA.

H.R. 1303: Mr. ROGAN, Ms. RIVERS, and Mr. HOBSON.

H.R. 1344: Mr. DAVIS of Illinois and Mr. GOODE.

H.R. 1358: Mr. MOORE.

H.R. 1387: Mr. SHAYS.

H.R. 1396: Mr. HINCHEY, Mr. DELAHUNT, Mr. BORSKI, and Ms. ROYBAL-ALLARD.

H.R. 1399: Mr. REYES.

H.R. 1424: Mr. PASCRELL.

H.R. 1514: Mr. ABERCROMBIE.

H.R. 1621: Mr. BECERRA, Mr. ORTIZ, Mr. BALLENGER, Mr. WATT of North Carolina, Mr. SERRANO, Mr. SCOTT, Mr. GILMAN, Mr. ROEMER, Mr. DEUTSCH, and Mr. LEVIN.

H.R. 1623: Ms. VELÁZQUEZ.

H.R. 1640: Ms. DELAURO and Mr. ANDREWS.

H.R. 1690: Mr. PALLONE.

H.R. 1732: Mr. LAZIO.

H.R. 1795: Mr. DEFAZIO, Mr. DOYLE, Mr. SHADEGG, and Mr. EHRLICH.

H.R. 1871: Mr. GALLEGLY.

H.R. 1941: Mr. EVANS.

H.R. 2121: Ms. DANNER and Mr. UDALL of New Mexico.

H.R. 2263: Mr. HOUGHTON.

H.R. 2308: Mr. CRANE.

H.R. 2341: Mrs. EMERSON.

H.R. 2380: Mr. MOORE.

H.R. 2446: Ms. KILPATRICK.

H.R. 2457: Mr. KIND, Mr. LANTOS, Mr. VENTO, Mr. COSTELLO, Mr. REYES, and Mr. BOYD.

H.R. 2505: Mr. LAMPSON.

H.R. 2564: Mr. RAHALL.

H.R. 2581: Mr. WYNN.

H.R. 2624: Mr. SABO.

H.R. 2640: Mr. OBERSTAR.

H.R. 2702: Mr. SMITH of Washington.

H.R. 2710: Mr. UDALL of Colorado, Ms. BALDWIN, and Mr. CAPUANO.

H.R. 2720: Mr. GILLMOR.

H.R. 2722: Mr. SHAYS.

H.R. 2749: Mr. CRANE.

H.R. 2785: Mr. TOOMEY.

H.R. 2870: Mr. SAWYER, Mr. WEXLER, Mr. GEJDENSON, and Mr. PALLONE.

H.R. 2880: Mr. HOUGHTON.

H.R. 3082: Mr. COBLE.

H.R. 3105: Mr. BROWN of Ohio, Mr. WEYGAND, Mr. BONIOR, and Ms. LEE.

H.R. 3142: Mr. NETHERCUTT.

H.R. 3144: Mr. SAXTON.

H.R. 3235: Mr. KILDEE.

H.R. 3249: Mr. UDALL of New Mexico, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. SHAYS, Ms. DELAURO, and Mr. CLAY.

H.R. 3256: Mr. SMITH of Washington.

H.R. 3302: Mr. STENHOLM, Mr. GEKAS, Mr. STUMP, Mr. WHITFIELD, Mr. MICA, and Mr. PHELPS.

H.R. 3408: Mr. CALLAHAN.

H.R. 3433: Mr. GUTIERREZ and Mr. CAPUANO.

H.R. 3466: Mr. MOORE.

H.R. 3514: Mr. LATOURETTE, Mr. ENGLISH, Mr. FLETCHER, Mr. LARSON, and Mr. JONES of North Carolina.

H.R. 3580: Mr. COMBEST, Mr. GIBBONS, Mr. SESSIONS, Mr. DEMINT, Ms. MILLENDER-MCDONALD, Mr. TAYLOR of North Carolina, Ms. PELOSI, Mr. SHADEGG, and Mr. LAMPSON.

H.R. 3594: Mr. BERRY, Mr. SANFORD, and Mr. BONILLA.

H.R. 3602: Mr. CAMP.

H.R. 3612: Mr. COX.

H.R. 3650: Ms. VELÁZQUEZ, Mrs. MCCARTHY of New York, Mr. HOLT, Ms. DELAURO, and Mr. TIERNEY.

H.R. 3679. Mr. ADERHOLT, Mr. BACA, Mr. BONILLA, Mr. BOUCHER, Mr. BUYER, MR. CARDIN, Mr. CASTLE, Mr. COBURN, Mr. DIAZ-BALART, Mr. DICKEY, Mr. GANSKE, Mr. GOSS, Mr. HOEKSTRA, Mr. HULSHOF, Mr. INSLEE, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. KILDEE, Mr. MCCRERY, Mrs. MINK of Hawaii, Mr. NADLER, Mr. PASTOR, Mr. PEASE, Ms. PELOSI, Mr. PORTMAN, Mrs. PRYCE of Ohio, Mr. ROGERS, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SERRANO, Mr. SOUDER, Ms. STABENOW, Mr. STENHOLM, Mr. SUNUNU, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. UNDERWOOD, Mr. WATT of North Carolina, Mr. WEXLER, Mrs. WILSON, Ms. SCHAKOWSKY, and Mr. LARSON.

H.R. 3681: Mr. BISHOP, Mr. GEJDENSON, and Ms. JACKSON-LEE of Texas.

H.R. 3700: Mr. HOLT, Mr. GEORGE MILLER of California, Mr. FATTAH, Mr. WAXMAN, Mr. TANNER, Mr. SAWYER, and Ms. MCCARTHY of Missouri.

H.R. 3712: Mr. QUINN and Mr. ENGEL.

H.R. 3872: Mr. COSTELLO, Mr. SAXTON, Mr. BOUCHER, Mr. CAMP, Mrs. MORELLA, Mr. ALLEN, and Mr. KLINK.

H.R. 3887: Mr. FORBES and Mr. RAHALL.

H.R. 4046: Mr. GUTIERREZ and Mr. HOEFFEL.

H.R. 4066: Mrs. CAPPS and Mr. SABO.

H.R. 4167: Mr. BOUCHER, Mr. MARKEY, Mr. JEFFERSON, Mr. MORAN of Virginia, Ms. VELÁZQUEZ, Mr. MOORE, and Mr. CAPUANO.

H.R. 4192: Mr. CASTLE.
H.R. 4211: Mr. ANDREWS.
H.R. 4215: Mr. RILEY, Mr. ETHERIDGE, Mr. HOSTETTLER, Mr. SPENCE, and Mr. DELAY.
H.R. 4219: Mr. JONES or North Carolina, Mr. LUCAS of Kentucky, Mr. OLVER, and Mr. GEJDENSON.
H.R. 4245: Mr. HANSEN.
H.R. 4259: Mr. BLUMENAUER, Mr. CONYERS, Mr. MCDERMOTT, Mr. DEAL of Georgia, and Ms. SCHAKOWSKY.
H.R. 4274: Mr. CAMP and Mr. RANGEL.
H.R. 4292: Mr. HUNTER.
H.R. 4301: Mr. STARK, Mr. TANCREDO, Mr. GOODE, and Mr. HALL of Texas.
H.R. 4308: Mr. MICA.
H.R. 4328: Mr. OBERSTAR.
H.R. 4346: Ms. MCKINNEY, Mr. MENENDEZ, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. HOLDEN, Ms. MCCARTHY of Missouri, Ms. VELÁZQUEZ, Mr. CAPUANO, and Mr. OLVER.
H.R. 4366: Ms. BALDWIN.
H.R. 4390: Ms. DELAURO.
H.R. 4395: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. MINGE, Mr. SWEENEY, Mr. ROMERO-BARCELO, Mr. BARTON of Texas, Mr. PALLONE, Mr. LUTHER, Mr. PORTMAN, Mr. SAWYER, Mr. MCGOVERN, and Mr. PASCRELL.
H.R. 4412: Mr. NADLER.
H.R. 4415: Mr. SMITH of Washington.
H.R. 4416: Mr. RAHALL, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. MCHUGH, Mr. RUSH, Mr. ROMERO-BARCELO, Mrs. JONES of Ohio, Mrs. MEEK of Florida, Mr. SCOTT, Mrs. CLAYTON, and Mr. SAWYER.
H.R. 4434: Mr. CRAMER, Mr. MCNULTY, Mr. FORBES, Mr. LAZIO, Mr. ANDREWS, Mr. STRICKLAND, Mr. BOEHLERT, Mrs. MCCARTHY of New York, and Mr. STUPAK.
H.R. 4481: Mr. JEFFERSON, Mr. SERRANO, Mr. KILDEE, Ms. MILLENDER-MCDONALD, Mr. WATKINS, Mr. DOYLE, Mr. KLINK, Mr. ENGEL, Mr. BLAGOJEVICH, Mr. KLECZKA, Mr. BALDACCI, and Mr. STUPAK.
H.R. 4539: Mr. LOBIONDO.
H.R. 4543: Mr. DREIER and Mrs. BIGGERT.
H.R. 4548: Mr. HERGER, Mr. GEKAS, Mr. GILLMOR, and Mr. BASS.
H.R. 4571: Mr. OXLEY, Mr. MATSUI, Mr. ABERCROMBIE, Mr. CANADY of Florida, and Mr. HINCHEY.
H.R. 4587: Mr. CAMPBELL.
H.R. 4596: Mr. THOMPSON of Mississippi and Mr. MCGOVERN.
H.R. 4614: Mr. EVANS and Mr. FILNER.
H.R. 4633: Mr. HUTCHINSON.
H.R. 4636: Mr. PICKETT.
H.R. 4649: Mr. GEJDENSON, Mr. DEFAZIO, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. BACA, Ms. MCKINNEY, Mr. GILLMOR, and Mr. MCNULTY.
H.R. 4654: Mr. DUNCAN, Mr. HASTINGS of Washington, Mr. PAUL, and Mr. WALDEN of Oregon.
H.R. 4707: Mr. WALSH, Mr. SANDLIN, Ms. LEE, Ms. SCHAKOWSKY, Mr. STARK, Mr. BERMAN, Mr. MCGOVERN, Mr. ENGEL, Mr. BECERRA, Mr. TIERNEY, Mr. SAWYER, Mrs. MALONEY of New York, Mr. HALL of Ohio, Mr. SERRANO, Mr. FARR of California, Ms. ESHOO, and Mr. FILNER.
H.R. 4734: Mr. STUPAK.
H.R. 4735: Ms. SCHAKOWSKY.
H.R. 4746: Mr. NORWOOD.
H.R. 4750: Mr. THOMPSON of Mississippi.
H.R. 4753: Mr. KENNEDY of Rhode Island.
H.R. 4756: Ms. WATERS.
H.R. 4759: Mr. STUPAK.
H.R. 4773: Mr. GILCHREST, Mr. ROTHMAN, and Mr. BOUCHER.
H.R. 4783: Mrs. THURMAN.
H.R. 4792: Mr. BONIOR and Mr. UDALL of New Mexico.
H.R. 4822: Mr. RUSH.
H.R. 4825: Mr. HORN, Mrs. JOHNSON of Connecticut, and Mr. FOLEY.
H.R. 4827: Mr. PASCRELL.
H.R. 4838: Mr. GEJDENSON, Mr. COX, and Mr. SHAYS.
H.R. 4848: Mr. KENNEDY of Rhode Island, Mr. WEYGAND, Mr. WYNN, Mr. GREEN of Wisconsin, Mr. BOUCHER, Mr. ABERCROMBIE, and Mr. BAIRD.
H.R. 4849: Mr. SMITH of Michigan.
H.R. 4857: Mr. LUCAS of Kentucky, Mrs. CAPPS, Ms. SLAUGHTER, Mr. NUSSLE, Ms. STABENOW, Ms. MILLENDER-MCDONALD, Mr. ROGAN, Mr. CAMP, and Mr. SUNUNU.
H.R. 4874: Mr. TIERNEY and Mr. PRICE of North Carolina.
H.R. 4879: Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, and Mr. PALLONE.
H.R. 4892: Mrs. MALONEY of New York and Ms. ROYBAL-ALLARD.
H.R. 4894: Mr. LEWIS of Kentucky, Mr. CHAMBLISS, Mr. BURTON of Indiana, Mr. TANNER, Mr. SKELTON, Mr. BLUNT, Mr. MCINTYRE, and Mr. WYNN.
H.R. 4895: Mr. EWING, Mr. CHAMBLISS, Mr. BURTON of Indiana, Mr. SKELTON, Mr. BLUNT, Mr. MCINTYRE, and Mr. WYNN.
H.R. 4925: Mrs. EMERSON.
H.R. 4927: Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. TURNER, Ms. LEE, and Mr. MATSUI.
H.R. 4938: Mr. BALDACCI.
H.R. 4949: Mr. LARSON, Mr. BRADY of Pennsylvania, Mr. UDALL of Colorado, Mr. RUSH, Mr. LAMPSON, and Ms. KAPTUR.
H.R. 4957: Mr. HALL of Ohio, Mr. RUSH, Mr. MCNULTY, Mr. WATT of North Carolina, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. CONYERS, Mr. CROWLEY, and Ms. MILLENDER-MCDONALD.
H.R. 4965: Mr. DOOLEY of California.
H.R. 4971: Mr. RODRIGUEZ, Mr. SAM JOHNSON of Texas, Mr. BARRETT of Nebraska, Mr. GOODE, Ms. LOFGREN, and Ms. BALDWIN.
H.R. 4977: Mr. LATOURETTE, Ms. DEGETTE, and Mr. BOEHLERT.
H.R. 4981: Mr. ROMERO-BARCELO and Mr. MCNULTY.
H.R. 5004: Mr. VITTER.
H.R. 5021: Mr. BONIOR, Mr. WAXMAN, Mr. WEXLER, Ms. LEE, Ms. NORTON, Mr. ROTHMAN, and Mr. RODRIGUEZ.
H.R. 5040: Mr. CHAMBLISS.
H.R. 5045: Mr. BURR of North Carolina and Mr. RILEY.
H.R. 5050: Mrs. JOHNSON of Connecticut.
H.R. 5055: Mr. FROST.
H.R. 5079: Mr. GUTKNECHT.
H.R. 5095: Ms. NORTON, Mr. DOYLE, Mr. BONIOR, Mr. OLVER, and Ms. LEE.
H.R. 5096: Mr. NEAL of Massachusetts and Mr. LATOURETTE.
H.R. 5117: Mr. MENENDEZ, Mrs. THURMAN, and Mr. DEAL of Georgia.
H.J. Res. 48: Mr. SAXTON.
H.J. Res. 102: Mr. ROTHMAN, Mr. UDALL of New Mexico, Mr. WATKINS, Mr. KUYKENDALL, Mr. RILEY, and Mr. HASTINGS of Washington.
H. Con. Res. 58: Mr. HINOJOSA, Mr. SANDLIN, Mr. BARRETT of Nebraska, and Mr. BONIOR.
H. Con. Res. 285: Mr. DREIER.
H. Con. Res. 286: Mr. SHAYS.
H. Con. Res. 337: Mr. STARK.
H. Con. Res. 340: Ms. BERKLEY, Ms. LEE, and Mrs. NAPOLITANO.
H. Con. Res. 357: Mr. THORNBERRY.
H. Con. Res. 376: Mr. SANDERS.
H. Con. Res. 390: Mr. BARTLETT of Maryland, Mr. CAMP, Mr. BILBRAY, Ms. BROWN of Florida, and Mr. HASTINGS of Florida.
[H07SE0-846]{H7366}82:
H. Res. 82: Ms. VELÁZQUEZ.
H. Res. 187: Mr. MORAN of Virginia.
H. Res. 361: Ms. LEE and Mr. MCGOVERN.
H. Res. 430: Ms. DELAURO.
H. Res. 537: Mr. STUMP, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. LAFALCE, Mr. GALLEGLY, Mr. STEARNS, Mr. WEXLER, Ms. PRYCE of Ohio, Mr. SHAYS, Mr. MOORE, Mr. GEJDENSON, Mr. ENGEL, Mr. TIERNEY, Ms. WOOLSEY, Mr. PORTMAN, and Mr. PICKERING.
H. Res. 547: Mr. DELAHUNT, Mr. COYNE, Mr. PAYNE, Mrs. LOWEY, and Mr. BORSKI.

SENATE—*Thursday, September 7, 2000*

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Very Reverend Nathan Baxter, Dean, Washington National Cathedral, Washington, DC.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Very Reverend Nathan Baxter, offered the following prayer:

Let us pray: Almighty, holy, and gracious God, we know You by many names, but we are joined together in this moment of prayer because we know You as the author of liberty. We thank You for the gift of democracy. Although it is sometimes cumbersome, it is truly inspired, and we thank You. Most of all, gracious God, we thank You for the Members of our United States Senate and their staffs who devote themselves to the hard and essential work of Government. Momentous for the people of this Nation are the decisions before them in this session. We ask You to give them courage to act rightly when partisan passions beckon; give them patience and discerning answers when truth is not clear; and give them faith to trust You as more than their judge but their loving Father. Now help us, Lord, as citizens of this Nation, to hold our leaders, their staffs, their work, and their families prayerfully in our hearts that they may be sustained and protected. And finally, ever keep before them and us the guiding light of Your divine vision of one Nation under God, indivisible, with liberty and justice for all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Missouri is recognized.

SCHEDULE

Mr. BOND. Mr. President, today the Senate will have 10 minutes for final remarks on the Daschle motion regarding the Missouri River, with a vote to occur at approximately 9:40 a.m. Immediately following that vote, there will be a vote on the motion to proceed to H.R. 4444, the China PNTR legislation.

Following these votes, the Senate is expected to begin consideration of the China trade legislation with amendments in order. The Senate will also continue debate on the energy and water appropriations bill during this evening's session. It is hoped that action on this important spending bill can be completed as early as tonight. Therefore, Senators may expect votes throughout the day and into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Domenici amendment No. 4032, to strike certain environment related provisions.

Schumer/Collins amendment No. 4033, to establish a Presidential Energy Commission to explore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices.

Daschle (for Baucus) amendment No. 4081, to strike certain provisions relating to revision of the Missouri River Master Water Control Manual.

AMENDMENT NO. 4081

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Daschle amendment No. 4081 on which there shall be 10 minutes of debate equally divided.

The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I may use part of my leader time if my comments go over the 5 minutes. I ask that that be recognized should it be required.

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

Mr. DASCHLE. Mr. President, we are about to vote on an amendment that is critical not only for an important region of our country, the upper Midwest, but really the whole country. How we decide the process by which we make critical decisions about the ecological and environmental balance that must be taken into account as we consider all of the challenges we face with regard to proper management is really what is at stake here.

The Missouri River is one of the most important rivers of the country, but this could apply to the Mississippi River and to any one of a number of rivers throughout the country. Ultimately, it will be applied. You could say this is a very important precedent. A process has been created, enacted by this Congress, that allows very careful consideration of all the different factors that must be applied as we make decisions with regard to management of a river, of wetlands, of anything else.

Basically what this amendment does is simply say, let that process go forward, without making any conclusion about what ultimately that process will lead to. If we ultimately decide that whatever process produced is wrong, we, as a Congress, have the opportunity to stop it. Why would we stop it midway? Why would we say today that we don't want that process to continue; we don't want it to reach its inevitable end with a product that we could look at for comment? That is the first point: a process is in place. The legislation currently within the energy and water bill stops that in its tracks.

I don't have it in front of me, but the report language makes it very clear. Senator BOND and others may argue that, no, this process can continue, but the effect of this amendment stops it in its tracks. We will not have an opportunity to carefully consider all of the recommendations given the language that is currently incorporated in the bill. We must not stop a process that allows us a result upon which we will then pass judgment.

The Missouri River is a very critical river. It is a multifaceted river that requires balance. The current management plan was written when the Presiding Officer and I, Senator BOND, and others were, at best, in our teens, if not in our early years of life. It was written in the 1950s and adopted in about 1960. It has been the plan for 40 years.

What the Corps of Engineers is now saying, what Fish and Wildlife is now saying is that after 40 years, prior to the time the dams were constructed, it is time to renew that manual; let's find another; let's take another look at it

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

to determine whether or not what worked in the 1950s and 1960s is something that will work today. Their feeling is that it will not, that we need to upgrade it; we need to refresh it; we need to renew it.

Back when that manual was written, the anticipated amount of barge traffic was about 12 million tons. We never reached 12 million tons. We are down to about 1.5 million tons of barge traffic, totaling about $7 million.

We are spending $8 million in barge subsidies to support a $7 million industry. At the same time, we have an $85 million recreation industry. We have an incredible $667 billion hydropower industry. We have industries that are held captive, in large measure, because of a manual written in 1960 that anticipated barge traffic that never developed.

It is time to get real. It is time to allow the process to go forward. It is time to allow those agencies of the Federal Government, whose responsibility it is to manage this river, to do it without intervention. There will be plenty of time for us to take issue, to differ, to ultimately come to some other conclusion if that happens. But that is not now, especially given the recognition that the manual is out of date. The manual didn't produce the kind of result over four decades that was anticipated. Now it is time to change. That is all we are asking.

Let the process go forward. The President has said that unless this change is made, this bill will be vetoed. We are nearing the end of the session. If we want to guarantee that this is going to be wrapped up in an omnibus bill with absolutely no real opportunity for the Senate to have its voice heard, then the time to change it, so it can be signed, is now—not 4 weeks from now. I am very hopeful my colleagues will understand the importance of this question, the importance of this amendment. I am hopeful that, on a bipartisan basis, we can say let us allow the Corps, Fish and Wildlife, and the biological experts to do their work. Then let us look at that work and make our evaluation.

I yield the floor.

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

Mr. BOND. Mr. President, I yield myself 4 minutes and ask that I be advised when that is up so I may yield to my colleagues.

We have had a lot of argument about whether we ought to stop the process. That is not what is at issue. What is at issue is stopping flooding in downstream States, such as Missouri, Kansas, Iowa, Nebraska, and States down the Mississippi, and the implementation of a risky scheme. Section 103—and I am happy to show it to my colleagues—says none of the funds made available may be used to revise the manual to provide for an increase in the springtime water release during spring heavy rainfall and snowmelt in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This same provision has been included in four previous energy and water bills in the last 5 years. It has been passed by this Congress and signed by the President. It clearly permits a review of alternatives to change river management. It only prevents one, single, specific harmful alternative of a controlled flood, which was proposed first in 1993, subjected to public review and comment by this Congress, and rejected by the administration when it was considered in 1994. The U.S. Department of Agriculture opposed it. The U.S. Department of Transportation opposed it. There was unanimous opinion on people who lived in and worked along the river. The officials there oppose this risky scheme. Now, 5 years later, the Fish and Wildlife Service wrote a letter on July 12 demanding that, as an interim step, a spring pulse come down the Missouri River starting in 2001.

This is supposed to help the habitat of the pallid sturgeon. But what it does is increase the spring rise, and the Missouri and Mississippi already have a spring rise. We get floods and we have damage that hurts land and facilities and kills people.

The people of Los Alamos know what happens when the Federal Government gave them a controlled burn. They are still wiping soot out of their hair. This is a proposal to give a controlled flood to areas where there is great risk. That is why the Democratic Governor of Missouri, the mayor of Kansas City, both Democrats, both oppose the motion to strike. They support section 103. We know it would curtail transportation, the most efficient and effective and environmentally friendly form of transportation of agricultural goods, and that is barge traffic. It would end barge traffic on the Missouri River, which I think may be the objective. Barge traffic not only gets product down the river to the world markets, but it keeps the cost of shipping under control by competition. It would harm transportation on the Mississippi River. That is why the Southern Governors' Association and waterways groups have come out in strong support of section 103.

Our State Department and Natural Resources Conservation Department oppose this risky scheme. They are dedicated to the recovery of the species. They have other alternatives that need to be and can be studied. The U.S. Geological Survey Environmental Research Center is looking at what we can do to increase the number of pallid sturgeon, and the likely objectives they have do not involve increasing floods in the spring.

Mr. President, I ask my colleagues to join me in rejecting this motion to strike because it puts lives at risk; it ends transportation for farmers.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BOND. I yield that time to my colleague, the junior Senator from Missouri, Mr. ASHCROFT.

Mr. ASHCROFT. Mr. President, I thank the senior Senator from Missouri for taking point on this very important measure that will protect a livelihood and a set of very essential opportunities that exist in downstream States. To send a surge of water downstream in the spring, when we are already at risk of flooding, could hurt the capacity of our farmers to produce. And then to compound the injury and add the insult of making the shipping of what they produce difficult, or impossible, or not competitive, would be very damaging.

Over half of the people in my State of Missouri drink water from the Missouri River. We have come to rely on it as a resource. This doesn't detract from the overall ability to measure and evaluate what happens on the river. It simply says that prior to the plan we are not going to authorize a spring surge which would add flooding and jeopardize the livelihood of many individuals in Missouri and other States that border the Missouri River.

The PRESIDING OFFICER. The time of the Senator has expired.

The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use some leader time. I understand I have 8 minutes remaining. My colleagues can vote any way they wish, based upon the facts as presented. Let nobody be misled. This has nothing to do with flooding—nothing. This doesn't apply when there is flooding or when there are droughts. That is written right into the language of this new master manual proposal. It has nothing to do with flooding. This has to do with barge traffic. That is what this is about. It is about barge traffic.

Now, the Senator from Missouri talks about the importance of competition. How much competition is there when you have three-tenths of 1 percent of all agricultural transportation related to barge traffic and 99 percent is rail and highway? Is that competition? My colleagues are appropriately trying to defend a dying industry in Missouri, and they are using flood concerns to protect them. This is not about floods. This is about protecting three-tenths of 1 percent of all transportation for agriculture in the entire region. That is what this is about. Nothing more and nothing less.

I yield 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I reemphasize the first point made by my friend from South Dakota. He is entirely accurate. We hear about the

specter of floods. If you look at the facts, this amendment has nothing to do with floods. Why do I say that? It is because of the Army Corps of Engineers' own analysis. Looking at the alternatives, the current master manual, compared with the spring rise/split season, there is no statistical, no difference—it is 1 percent—in the flood control benefits between the two alternatives. None. One percent is statistically insignificant.

So you hear on the floor those protecting a dying industry using another scare tactic, and that is floods. That is totally inaccurate. In addition, the proposal of the spring rise/split season will be used in only 1 out of every 3 years. And the proposal also provides that if it looks as if there might be a wet year, or more precipitation in the year a spring rise might otherwise occur, there would be no spring rise. Why? Because the primary goal of the Corps of Engineers is flood protection. Let's take that off the table; take flooding and the wall of water down the river off the table.

In the 1993 and 1997 flood years, if this proposal had been in effect, there would be no spring rise and no split season. It would not exacerbate the 1993 and 1997 floods.

In addition, if this amendment to strike 103 is not adopted, we will have a big lawsuit on our hands. Why? Because the environmentalists will file a lawsuit against the Army Corps of Engineers because of not protecting the Endangered Species Act. We would have a whole set of problems on our hands. Let's not have a lawsuit. Let's not have scare tactics for the sake of trying to protect a dying industry that need not be subsidized as it is now.

Mr. HAGEL. Mr. President, I rise today to speak in strong support of my colleague from Missouri, Mr. BOND.

The Bond provision of the fiscal year 2001 Energy and Water Appropriations bill would prohibit the U.S. Army Corps of Engineers from implementing the U.S. Fish and Wildlife Service plan to increase spring time releases of water from Missouri River dams to simulate the natural ''rise'' and ''fall'' in the Missouri River. This could be potentially devastating to Nebraska's farmers and ranchers and those whose livelihood depends on the Missouri River because the ''rise'' increases flood risk, and the ''fall'' interferes with barge traffic.

This ''spring rise'' that increases flood risks down the Missouri and the Mississippi is particularly irresponsible when you take into account that over the last two years, FEMA has spent $32.6 million in flood disaster for the Missouri River.

During the flood of 1993, the largest in recorded history, flood costs ranged between $12 and $16 billion. More importantly, main stem Missouri River Dams—the very ones Fish and Wildlife want to change—prevented $4 billion in damages.

If the amendment to strike the Bond provision from the Energy and Water Appropriations bill is successful, and this ''fall'' occurs, then there is a real potential that water levels are reduced to a point where barge traffic can't get through. Barge traffic is necessary to the farmer. It brings fertilizer up in the spring and brings the harvest to market in the fall. Senator BOND's amendment will ensure that water levels are kept at a navigable level.

This provision is not new to the Energy and Water Appropriations bill. It has been included in four previous appropriations measures that were signed into law by President Clinton. Now, President Clinton is threatening to veto this bill if it contains the Bond provision.

I urge my colleagues to keep the Bond provision in this appropriations bill and keep the Missouri River at a reasonable and steady level.

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

Mr. BOND. Mr. President, I ask unanimous consent for 2 additional minutes to respond to comments made by the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the leader.

I just have to say when the point was made that this is not about flooding, that is what has people in Missouri scared to death. Floods don't happen every year. But when the floods happen, they are devastating.

That is why I want to read from a letter by the Democratic Governor, Mel Carnahan, of Missouri. In an August 17 letter he wrote to the White House trying to stop it, he said that absent change in the service as planned, it is likely efforts to restore endangered species along the river will be damaged and an increase in the risk of flooding river communities and agricultural land will occur; and, States along the river will suffer serious economic damage to their river-based transportation and agricultural industries.

When the Southern Governors Association wrote to the minority and majority leaders, Mike Huckabee, Governor of Arkansas, speaking for the southern Governors, said that if the current plan is implemented and these States incur significantly heavy rains during the rise, there is a real risk that farms and communities along the lower Missouri River will suffer serious flooding.

Frankly, nobody can tell when the heavy rains are coming. I have watched the National Weather Service. They do not know. They cannot predict the heavy rains and floods that have devastated our lands and killed people in recent years. They have come without warning. It takes 11 days for water to get from Gavins Point to St. Louis. They are not good enough. None of us is good enough to know when those heavy rains will occur.

I yield the floor. I thank my colleague from South Dakota.

Mr. DASCHLE. Mr. President, I know I have a couple of minutes remaining in leader time. Let me respond. I understand it is 5 minutes. I will not use all of it because I know we are about ready to go to a vote.

Let me just say that the distinguished senior Senator from Missouri knows what I know and what everyone should know prior to the time they are called upon to vote.

First of all, it is not a plan until it is adopted as a plan. But the Bond language would stop the plan from even going forward before we have had a chance to analyze what effect it would have on floods. But the proposal, which is all it is at this point, says we will exempt those years when there is a prospect for flooding. We will exempt the master manual from being utilized and implemented if a flood is imminent. We lop off the flooded years and the drought years. This plan is to be used only in those times when there is normal rain flow. That is really what we are talking about here.

But I go back to the point: Why stop this process from going forward before we know all the facts? Why stick our head in the sand before we really have the biological, ecological, and all of the managerial details?

That is what the language does. That isn't the way we ought to proceed. There will be time for us to oppose, if that may be the case. But not now, not halfway through the process. Let's allow this process to continue.

I yield the floor and the remainder of my time.

Mr. BOND. Mr. President, 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 the amendment, and the clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—45

Baucus	Breaux	Conrad
Bayh	Bryan	Daschle
Biden	Byrd	Dodd
Bingaman	Chafee, L.	Dorgan
Boxer	Cleland	Durbin

Edwards	Kerry	Reed
Feingold	Kohl	Reid
Feinstein	Landrieu	Robb
Graham	Lautenberg	Rockefeller
Harkin	Leahy	Roth
Hollings	Levin	Sarbanes
Inouye	Mikulski	Schumer
Johnson	Miller	Torricelli
Kennedy	Moynihan	Wellstone
Kerrey	Murray	Wyden

NAYS—52

Abraham	Gorton	McConnell
Allard	Gramm	Nickles
Ashcroft	Grams	Roberts
Bennett	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lincoln	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner
Fitzgerald	Mack	
Frist	McCain	

NOT VOTING—3

Akaka	Lieberman	Murkowski

The amendment (No. 4081) was rejected.

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

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

The motion to lay on the table was agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED —Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the motion to proceed to the consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the motion to proceed.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The motion under consideration is the motion to proceed to H.R. 4444 which the clerk has already reported, and the yeas and nays have been requested.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—92

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

NAYS—5

Bunning	Inhofe	Smith (NH)
Campbell	Jeffords	

NOT VOTING—3

Akaka	Lieberman	Murkowski

The motion was agreed to.

Mr. HAGEL. Mr. President, I move to reconsider the vote and 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 Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't think we have reached an agreement on amendments yet. It is my intention to have some good, substantive debate on amendments. I have a number of amendments I want to bring to the floor. I certainly will agree to time limits on each of these amendments.

Mr. REID. If the Senator will yield, Senator MOYNIHAN has informed me that there has been an agreement reached between he and Senator ROTH and you, and that you would agree to 45 minutes on your side and they would agree to 20 minutes, with no second-degree amendments; is that right?

Mr. WELLSTONE. That is correct. It is not on paper yet, but I think that is what we will agree to.

Mr. REID. Can we agree to it right now?

Mr. WELLSTONE. No. There are a few things to be worked out first.

Mr. REID. I thank the Senator.

AMENDMENT NO. 4114

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], for himself and Mr. HELMS, proposes an amendment numbered 4114.

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 President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring religious freedom, as recommended by the United States Commission on International Religious Freedom)

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike ''section 101(a)'' and insert ''section 101''.

Mr. WELLSTONE. Mr. President, first, I say to colleagues that if I was not on the floor right now, I would be in the Foreign Relations Committee. Senator BROWNBACK is conducting some hearings that deal with religious freedom in China. This amendment also deals with the same question.

I rise today, Democrats and Republicans, to offer an amendment. I offer this amendment with Senator HELMS of North Carolina. I believe later on Senator FEINGOLD is going to want to be added as a cosponsor.

This amendment will prove that our country cares deeply about religious

freedom and our country is not indifferent to the suffering of millions of Chinese who face religious persecution. Respect for religious liberty goes to the heart of American values. We cannot say that we are deeply committed to human rights and that we are deeply committed to religious freedom and then remain silent as we witness China's abuse of both of these rights.

Two years ago, in a 98–0 vote, the Senate overwhelmingly passed the International Religious Freedom Act, which created the Commission on International Religious Freedom. Congress instructed that the Commission make recommendations to us when it comes to how, through our foreign policy, we could promote international religious freedoms. It took this mandate seriously. After a year-long investigation, the Commission—and this is the report of the U.S. Commission on International Religious Freedom, which was issued May 1, 2000—found that ''The government of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs.''

My amendment follows verbatim the Commission's recommendation. It was the recommendation of this Commission, which we established by a 98–0 vote, to delay PNTR until China made ''substantial'' improvements in allowing its people the freedom to worship as measured by several concrete benchmarks.

People who believe in religious freedom have long understood a basic truth—that America, our country, can never be indifferent to religious persecution. When others are hounded or persecuted for their religious beliefs, we are diminished by our own failure to act or speak out. But when we embrace the cause of religious freedom, we reaffirm one of the great values of American democracy.

This legislation and this administration is focused on trade, which it is now promoting as a human rights policy. But trade alone will never guarantee change. This report, which I am going to read in a moment, on religious persecution in China issued just this year is brutal. The State Department issued its report on international religious freedom.

Senators cannot turn their gaze away from this unpleasant truth. They talk about a tremendous amount of persecution in China.

We have now had two reports by the State Department on human rights which have not reported great improvement. This past year, the State Department report on human rights abuses talked about a brutal climate in China. We cannot reward China with PNTR while it continues to harass and jail people because of their religious beliefs.

Just yesterday, the Washington Post reported that China has indicted 85 members of a Christian sect in a followup to the recent retention of 130 of its members and the expulsion of 3 American missionaries.

With passage of PNTR, the United States of America gives up our annual right of review of China's most favored nation trade privileges as well as our bilateral trade remedy. We have not used this leverage as effectively as we should. But do we want to give up all of this leverage? Do we want to say we do not take into account this religious persecution in China and we will no longer annually review trade relations to maintain some leverage and some voice in support of the right of people in China to practice their religious beliefs?

During the debate on the International Religious Freedom Act, many of my colleagues made impassioned speeches that U.S. foreign policy should never ignore the importance of this fundamental right of people to be able to practice their religion and not be persecuted in our dealings with other countries. In fact, Congress instructed the Commission to make recommendations to ensure that American foreign policy promotes international religious freedom.

That is what this amendment is about.

The Commission's members—because I am going in a moment to mirror their recommendations, which is what this amendment basically reflects—are drawn from both parties and represent extremely diverse points of view, including, by the way, the members of this Commission as strong proponents of free trade. Its members include Elliot Abrams, former assistant to President Ronald Reagan; John Bolton of the American Enterprise Institute; Rev. Theodore McCarrick, the Archbishop of Newark; Nina Shea of Freedom House; and Rabbi David Sapperstein, director of the Religious Action Center for Reform Judaism.

Despite the Commission's extraordinary diversity, its members unanimously agreed on no PNTR for China. We voted 98–0 for this legislation. We established this Commission. We asked this Commission to present to us recommendations about how we could promote religious freedom. The Commission took this mandate seriously. I want to just quote from this Commission's report. Its members unanimously agreed that we should vote no on PNTR for China.

> Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

We are just asking in our amendment that Democrats and Republicans go on record as not being indifferent when it comes to the question of religious freedom.

I will explain my amendment in a moment. I see my colleague, Senator HELMS, on the floor. I yield to the Senator from North Carolina and ask unanimous consent that I be able to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks from my desk.

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

Mr. HELMS. I thank the Chair. I thank the Senator from Minnesota.

Mr. President, around this place we customarily say in a case such as this that we are ''pleased'' to support an amendment. I am honored to support this amendment, and I am honored to cosponsor it with my friend from Minnesota. In this case, we both have the same conviction about what our Government and our country ought to do before granting permanent normal trade relations to China.

I am sure Senator WELLSTONE has made it clear, but for the purpose of emphasis, this amendment directs the President, if China has indeed met a series of religious freedom conditions, to certify such before granting permanent normal trade relations with China.

This amendment really tells China—and, just as importantly, the rest of the world—that we in America still stand for something, something other than profits, something other than whatever benefit may be imagined by the steps the President is trying to take with China.

In this case, we are saying we don't believe China should be welcomed into international organizations such as the WTO while China continues to repress, to jail, to murder, and to torture their own citizens simply because those citizens have dared to exercise their faith.

Let me quote a passage from the Clinton State Department's own report on religious freedom that was delivered to the Congress of the United States just this past week. This is the State Department:

> In 1999, the Chinese government's respect for religious freedom deteriorated markedly.

The question is, Are we going to stand here today and ignore this, knowing that China abuses, mistreats, and murders its own people? Are we going to ignore the crackdown on Christians that began just last week, during which three Americans—Americans, let me emphasize—were arrested by the Communist Chinese?

Other crimes against religious believers in China abound. In the past couple of years, China has intensified its so-called patriotic reeducation campaign aimed at destroying Tibetan culture and religion. Similar horror stories are

taking place in the Muslim northwest where the Chinese Government is smashing, destroying, and stomping anybody who attempts to display any kind of ethnic or true religious identity.

It is naive to believe these abuses will be dealt with by the Commission set up by this legislation. I hope I live long enough to see it happen. I will surpass, I believe, I fear, Senator THURMOND in age before that happens or, more precisely, until hell freezes over because it is not going to happen, not in the lifetime of anybody in this Chamber.

The example of the recently created Commission on Religious Freedom is very instructive. After dramatically cataloging the barbaric crackdown on religious freedom in China, the Commission recommended—how do you like them apples?—that permanent normal trade relations not be granted to China at this time. But nobody pays any attention, similar to a train passing in the night.

Here we are today, ready to toss all of those findings, all of the things we know are going on, and say we ought to do it. Not with my vote, Mr. President; not with my vote. That is why we must insist that progress on religious freedom precede China's entry into the WTO. That is precisely what this amendment does. I urge its adoption. I commend the Senator from Minnesota for sponsoring it.

I yield the floor.

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

Mr. WELLSTONE. I thank my colleague from North Carolina. Mr. President, so that all Senators will know what this amendment does, let me be very precise about it. I look forward to hearing a response from my colleague from Nebraska.

It tracks the recommendations of the Commission on Religious Freedom precisely, that the U.S. Congress should grant PNTR, the Commission said, only after China makes substantial improvements with respect to freedom of religion as measured by the following standards, which I think are not unreasonable:

(A) China agrees to establish a high level and ongoing dialog with the U.S. Government on religious freedom issues; (B) China agrees to ratify the International Covenant on Civil and Political Rights which it signed in 1998; (C) China agrees to permit unhindered access to religious leaders, including those imprisoned, detained, or under house arrest by the U.S. commission on international freedom and other human rights organizations; (D) China provides a detailed response to inquiries regarding a number of persons who were imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known but who were last seen in the custody of Chinese authorities. And, finally, China has made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment is basically the recommendations of the report on the U.S. Commission on International Religious Freedom. The Commission settled on these reasonable conditions after an intensive investigation where they met with Government officials, bishops, monks, and members of house churches in China. Its report extensively documents abuses against Christians, Muslims, Buddhists, and others in China.

Let me give my colleagues a few examples. I start with Christians. The Commission found that the Chinese Government has engaged in crackdowns on the Protestant house church movement and Catholics loyal to the Vatican. Last week, Chinese authorities arrested over 130 Evangelical Christians, including 3 Americans, for holding a revival meeting. Further, Chinese authorities detained scores of Protestant worshipers and detained, beat, and fined unknown underground Catholics in Hebei Province last year. In recent months, many Catholic clergy loyal to the Vatican have also been detained. One young bishop was detained while performing an unauthorized mass. He was found dead on the street in Beijing shortly after being released from detention. The Vatican reports that five churches built without the Chinese Government's authorization were torn down, and another 15 were destroyed in Fujian Province.

While harsh prison sentences and violence against religious activists continue, state control, increasingly, takes the form of the registration process. This is the way the Government monitors membership in religious organizations, locations of meetings, selection of clergy, and content of publications. If religious members do not register, they can be fined, their property seized, and sometimes they are detained. Again, I am just summarizing the reports that are before the Senate.

Muslims: The Government has also carried out a major purge of local officials in heavily populated Muslim areas and targeted ''underground'' Muslim religious activities. The Government has banned the construction or renovation of 133 mosques, and arrested scores of Muslim religious dissidents.

In Xinjiang, Muslims holding positions in the Government who continue to practice Islam have lost their jobs. Local newspapers report that authorities were moving village by village, hamlet by hamlet, to clean up illegal religious activity. Religious teachers and students at unregistered schools have been detained, and they have been sent to reeducation through labor camps. Conditions in Xinjiang labor camps are said to be the most horrific in China. Brutality and hunger are common, some inmates simply disappear. As in other areas in China, officials have launched an indepth ''atheist education'' campaign. As in Tibet, access to information is severely restricted.

These are the reports before the Senate. And we are going to say that we will not speak out, and we are not going to at least ask China to comply with minimum standards of decency when it comes to ending this religious persecution before we automatically renew trade relations?

Now to Tibetans. Prior to the Chinese invasion in 1950, Tibet was a country steeped in religion. Religious practice was central to the identity and the lives of Tibetan people. Recognizing the power of religion in Tibetan life, the Chinese have attempted to destroy this cultural base, to quell dissent with authoritarian rule. Over 6,000 monasteries and sacred places have been destroyed by the Chinese over the last 40 years. Today in Tibet, human rights conditions remain grim. Tibetan religious activists face ''disappearance'' or incommunicado detention, long prison sentences, and brutal treatment in custody. We are going to be silent about this?

In addition, a Government-orchestrated campaign against the Dalai Lama continues. The campaign includes a reeducation program for monks and nuns which the government has spread widely. In one county, for example, monks were locked in their rooms for over 3 weeks for their refusal to denounce the Dalai Lama. In another region, over 120 resident nuns were expelled from their monasteries.

In an action denounced by the Dalai Lama, the Beijing government picked a boy as the reincarnation of the Panchen Lama. This is the latest campaign by the Chinese government to control the future of their religion. In 1995, the Dalai Lama identified another Tibetan boy as the reincarnate Panchen Lama. The Chinese government immediately denounced the Dalai Lama's choice, arrested the boy and his family, and pushed their choice. Chinese authorities continue to hold the Panchen Lama—the world's youngest political prisoner—at a secret location and have refused all requests to visit him by official and unofficial foreign delegations.

As the Commission declared:

> The Chinese government has no more authority under Tibetan Buddhism to select reincarnated lamas than they do to select bishops under Roman Catholicism.

The Karmapa Lama, a young Tibetan man, who was groomed by the Chinese for their own political purposes recently fled his monastery and his Chinese guards for life in exile in India. He had been used cynically by the Chinese as a symbol of religious freedom, yet was unable to receive instruction by

religious tutors as required by Tibetan tradition. Earlier this year, the young leader said:

Tibet has suffered great losses. Tibetan religion and culture have reached the point of complete destruction.

And we do not take that into account with this legislation? We do not even want to go on record supporting religious freedom?

China's excesses can be felt even closer to home as witnessed this past week in New York. On August 28th, more than 1,000 religious leaders from around the world attended the Millennium Peace Summit, a conference organized under the authority of the United Nations. Because of pressure from the Chinese government, the Dalai Lama, spiritual leader of Tibetan Buddhists and winner of the Nobel Peace Price, was conspicuously not invited. U.N. officials and China's own diplomats told conference organizers that China would oppose any appearance in the U.N. General Assembly chamber by the leader of Tibet's 15 million Buddhists.

By the way, I note that Ms. Jiang, from the Qi Gong movement, and Mr. Harry Wu—and I will have an amendment on prison labor—I think is somewhere here in the gallery during this debate.

Perhaps the most egregious example of the PRC government's contempt for the rights of its own citizens has been the unrelenting campaign of repression against practitioners and defenders of Falun Gong, a popular practice of meditation and exercises.

According to international news media reports, at least 50,000 Falun Gong practitioners have been arrested and detained, more than 5,000 have been sentenced to labor camps without trial, 400 have been incarcerated in psychiatric facilities, and over 500 have received prison sentences in cursory show trials. Detainees are often tortured and at least 33 practitioners have died in government custody. Every day there is a report in the New York Times about these abuses in China. Are we just going to ignore all of this?

Consider, for instance, the death of Chen Zixiu, a 58-year-old retired autoworker, who was killed by torture at the hands of Beijing officers when she was unable to pay the fire for her jail time. As described in the Wall Street Journal:

The day before Chen died, her captors again demanded that she renounce her faith in Falun Gong. Barely conscious after repeated jolts from a cattle prod, the 58-year-old stubbornly shook her head. Enraged, the local officials ordered Ms. Chen to run barefoot in the snow. Two days of torture had left her legs bruised and her short black hair matted with pus and blood, said cellmates and other prisoners who witnessed the incident. She crawled outside, vomited, and collapsed. She never regained consciousness.

Furthermore, over 600 Falun Gong practitioners have reportedly been committed to mental hospitals, where they have been mistreated with injections, sedatives, anti-psychotics, as well as electric shocks. State doctors are misusing the practice of psychiatry against political dissidents, as in the practice of ''Soviet psychiatry.'' That was the country from which my father fled persecutions. The Washington Post recently reported on a computer engineer and a Falun Gong practitioner who died after spending a week in a mental hospital where doctors injected him, twice daily, with an unknown substance that made him lose mobility and finally led to heart failure.

This man suffered extreme mistreatment simply for peacefully exercising their beliefs, a right recognized by the United Nations Declaration of Human Rights and guaranteed by China's own Constitution. It is particularly disturbing that Chinese officials have publicly defended these atrocities on the spurious ground that Falun Gong is allegedly destabilizing the country. Beijing has made similar statements about Christian ''house churches'' that refuse to submit to government oversight and direction.

As Rabbi David Sapperstein, the former Chairman of the United States Commission on International Religious Freedom, he said:

Falun Gong has almost become the symbol for the struggle for religious freedom. And when thousands and thousands of people have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say they are deeply committed to human rights and remain silent. And that is why we have urged the United States government to speak out.

Please let me repeat that:

And when thousands and thousands of people, Rabbi David Sapperstein goes on to say ''have been arrested, imprisoned, tortured, when people have died in prison, it is impossible for countries to say that they are deeply committed to human rights and remain silent. And that is why we have urged the U.S. government to speak out.

In conclusion, I urge my colleagues to support this amendment. It will show that the U.S. Senate does not just pay lip service to the importance of religious freedom, and that it supports the right of millions of Chinese to practice their faiths in peace and without persecution. My amendment is the least we can do. China should not be awarded PNTR now while it continues to arrest Christians, torture Muslims, and hound Tibetans—all because they refuse to renounce their beliefs.

This is a vote on religious freedom. This is a vote about our commitment to it. I do feel strongly about this, given my own background and what my family went through in another country, Russia. But I also want to say to colleagues that it is, in my view, not acceptable to vote ''no''; to vote against this amendment or to table this amendment with the argument being: But if we pass an amendment we would have to go to conference committee. Try telling that to people back home.

To me this is the ultimate insider's argument: We cannot support an amendment that supports religious freedom because then the bill we passed would be in a different form than the House bill, and it would have to go to conference committee.

People are not going to be persuaded by that argument. People want us to vote for what we think is right, and that is what we should do. I say to Senators, I personally believe it is a bogus argument. Every Senator in this Chamber knows that if we are serious about passing legislation—I have not been involved in a strategy of delay. I know we are going to have the debate, and I know the legislation is going to pass. But if we want to pass the legislation, there are all sorts of precedents.

We will get it to conference committee, and we will get it right out of conference committee and pass it. We can put it into an omnibus Appropriations Committee report. There are many ways this legislation can be passed, and I do not believe Senators should be able to say: No, we are not going to vote for this amendment that deals with religious persecution because we do not want this legislation to go to conference committee.

This legislation can go to conference committee, come out of conference committee, and it can pass. I hope my colleagues will vote for this amendment.

I reserve the remainder of my time. I know we are not under a UC agreement, but I will take a few more minutes to respond later.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, if the other side is prepared to enter into time agreements, this side is as well.

I ask unanimous consent that when the Senate considers the following amendments, they be considered under the following debate times prior to votes in relation to these amendments:

Wellstone, international religious freedom;

Wellstone, human rights conditions;

Wellstone, prison labor;

Wellstone, right to organize;

Wellstone, persecution of union organizers.

Further, with respect to each amendment, there be 45 minutes under the control of Senator WELLSTONE and 20 minutes under the control of Senator ROTH, or his designee. Finally, I ask unanimous consent that no amendments be in order to the amendments prior to a vote in relation to the amendments.

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

Mr. WELLSTONE. Mr. President, I thank my colleague. That is more than a reasonable way to proceed. I say to

my colleague from Nebraska before he responds, so we can move forward in an expeditious way, I will be prepared when I get the floor to lay my amendments out and then lay them aside so other Senators can offer amendments.

Mr. HAGEL. Mr. President, in response to my friend and colleague, the Senator from Minnesota, on his first amendment regarding religious persecution, my opposition to his amendment is not because I believe there is religious freedom in China. Clearly, there is not. I believe every one of the Members of this body understands that as well. It is my opinion that if we adopt this amendment, it will have the opposite effect desired by its sponsors.

The issue is: How do we best influence the behavior of China on human rights? I believe if we kill permanent normal trade relations with China, it will not be in the best interest of human rights in China.

I share my colleague's concern, as do each of our colleagues in this body, about the repression of citizens' rights in China. Again, the question is, How do we best influence that behavior? How do we best deal with it?

I believe, as well intentioned as this amendment is, that it is misguided and that it will kill, if adopted, this bill. If this amendment is adopted, effectively it will kill permanent normal trade relations this year and have an influence, I suspect, on this bill into next year.

As my colleague has pointed out, if any amendment is attached to permanent normal trade relations, then it will go back to the House for another vote, we will have a conference. Then I believe because of time, if for no other reason, we will have no permanent normal trade relations with China.

One of the most dynamic challenges of our time is America's relationship with China. This challenge represents opportunity and uncertainty for both nations. How the U.S.-China relationship unfolds will have immense consequences for the world and human rights. It is my opinion that it is in the best interests of America, China, and the world that America engage this relationship in every way on every field.

Trade surely is a common denominator for the future of the world. We must encourage China's entrance into the World Trade Organization, and we should grant China PNTR. We must do this certainly, obviously, with a very clear eye to the understanding of the limitations, the challenges, and the realities of this relationship with China. We have an opportunity to move this relationship along a track with positive growth, potential possibilities, and for a future that is far brighter than the future that now exists in China. History will judge us harshly if we squander this opportunity.

China is currently positioned to be admitted to the WTO, the 135-member international organization that works to break down trade barriers and foster free and fair trade among member countries. Once it becomes a member of the WTO, China must implement far-reaching domestic economic reforms, eliminate trade barriers, and strengthen its laws governing domestic business practices, environmental practices, and, yes, human rights is part of that. Human rights is part of that dynamic.

These changes will set China on the road toward becoming a responsible member of the international community. This is clearly in our national interest, it is clearly in the interest of the world, and it is clearly in the interest of human rights in China.

This debate is not only about trade. Far from it. It is much more than trade. For China's future, it must implement the reforms that WTO membership requires, yes, if its economy is to continue to grow and hundreds of millions of Chinese are to be lifted out of abject poverty and hunger.

As nations prosper, the world becomes more peaceful and free. When there is freedom, peace, and prosperity, there is less conflict, less poverty, less hunger, and, yes, less war. That is in the interest of all peoples.

I believe China's membership in the WTO will have a positive influence on human rights in China. Like people everywhere, the Chinese people want more control over their personal lives, more freedom, more rights. They want more control over their own destinies. People who are poor have little power.

Membership in the WTO will, in the long run, increase the prosperity of the Chinese people. The reforms required by WTO membership will strengthen China's economy which will create jobs and boost standards of living, as it does elsewhere in the world, and bring more personal freedom. This is critical if the Chinese people are to lift themselves out of poverty and begin to gain more control over their own destinies.

That is a major reason why Taiwan supports China's accession to the WTO. Martin Lee, leader of Hong Kong's democratic party and outspoken critic of China's Government, also supports China's membership in the WTO, as does, in fact, the Dalai Lama, as do many of China's most prominent human rights activists.

On May 23 of this year, the House of Representatives voted to grant China PNTR status. The Senate should do the same. If Congress grants China PNTR, American businesses and agricultural producers will be able to compete in every segment of the Chinese market.

If Congress fails to pass the Chinese PNTR legislation, we will lock ourselves out of the world's largest and fastest growing market, while our European and Japanese competitors rush in to fill the vacuum. That makes no sense. What sense does that make? How are we influencing the behavior of the Chinese Government? How are we improving human relations and religious freedoms in China when we walk away from China?

One of the main benefits of China's membership in the WTO will be the mandatory reduction of its tariffs on agricultural products, as well as all goods and services. These changes, combined with PNTR for China, will enable America's agricultural producers to tap further and deeper into this huge potential market. Agricultural producers, manufacturers, and service providers will be free to select partners, marketers, buyers, and distributors in China, instead of being forced to go through state-owned trading companies or middlemen.

The Chinese will also have to eliminate export subsidies for their agricultural and other products as well as import barriers such as quarantine and sanitary standards that are not based on sound science. And if the Chinese do not comply with their commitments under the agreement, the United States can petition the WTO to force them to do so. There will be strong economic and political incentives in place to encourage Chinese compliance.

Our markets have long been open to China. Now it is their turn to open their markets to us. We have signed a bilateral trade agreement with China that effectively levels the playing field for the first time ever. But if we do not grant PNTR to China, then all the hard-won concessions in our trade agreement will not apply to the United States; however, they will apply to all other WTO members who do grant PNTR to China. That would represent a tremendous loss and mindless disservice to American businesses, farmers, and workers. And, yes, I say again, what effect would this have on improving rights and improving the Chinese behavior toward those rights and toward their own people?

It is important to the world and to the Chinese people that China become integrated in the global trading system. China's economy will open more quickly to foreign exports and investments, increasing the interaction of the people of China with the rest of the world and increasing their standard of living and potential for more freedom.

These developments will have a positive effect on all human rights in China, provide growth opportunities to American businesses and farmers and workers, and help stabilize a very important region of the world.

This issue has serious geopolitical and, surely, national security interests attached to it for both America and the world, as well as trade and economic interests. They are all interconnected. We must be wise enough to understand this interwoven dynamic and act on it. When nations are trading with each other, they are rarely sending their armies against each other. These are

common denominator self-interests for all nations, for all peoples.

China's membership in the WTO and Congress' granting of PNTR are clearly in the best interests of, yes, America, and I believe in the best interests of China, the people of China, and the world. I strongly encourage my colleagues to vote for this bill and oppose all amendments to it.

I add one last point. It is not a matter, I say to the good Senator from Minnesota, of this body or of this Nation or of our people looking the other way when it comes to human rights violations in China. We are not looking the other way. We are finding a course that some of us believe is the correct course to influence the behavior of China. It is for that reason that I shall support this bill and oppose all amendments.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. Mr. President, I ask unanimous consent that following the vote on the Wellstone amendment that is now pending Senator BYRD be allowed to offer the next amendment.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, say to the Senator from Nebraska and to other Senators, that I appreciate what he said, although I think some of my colleagues' remarks were more general remarks about the overall trade agreement. I will try to respond to a little bit of that. But I don't want Senators to get away from what this amendment is about and this vote.

By a 98–0 vote, we supported the International Religious Freedom Act. We said that we were concerned about promoting religious freedom throughout the world. This legislation called for a commission to be set up, called the U.S. Commission on International Religious Freedom, to make recommendations to us about how we could promote religious freedom throughout the world.

This Commission has come up with a recommendation about China. What this Commission has said—a Commission with extraordinary diversity; some of its members for PNTR, other members against it; some of its members Republican, some of its members Democrat; some of its members Christian, Jewish, you name it—and I quote:

> Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

That is what this amendment is about. That is what this vote is about. This amendment mirrors the recommendations of this Commission.

This amendment does not say that we should not trade with China. This amendment does not say that we should isolate China. This amendment does not say that we should not continue to have economic relations with China. This amendment does not say we should boycott China. This amendment is not a China-bashing amendment. This amendment goes to the very heart of what we say we are about as a country and what we are about as a Senate.

All this amendment says is that before we finally sign off on PNTR, before we automatically renew normal trade relations—or what we used to call most favored nation status—with China, let's at least call upon China to live up to the following standards: China will agree to establish a high-level and ongoing dialog with the U.S. Government on religious freedom issues; China will agree to ratify the International Covenant on Civil and Political Rights, which it signed in 1998; China will agree on unhindered access to religious leaders, including those who have been imprisoned; China will give us a detailed response to inquiries about a number of people who have been in prison or detained or whose whereabouts are not known; and China will show they have made substantial progress in releasing from prison all persons incarcerated for religious reasons.

This amendment does not say we do not trade with China. This amendment does not say we do not have economic relations with China. This amendment just says that we ought to, in this trade agreement, not just focus on the ''almighty'' dollar. By the way, we will have this debate tomorrow.

I said yesterday—and I know other Senators will say it—my colleague from Nebraska talks about all these exports. I want to tell you, we are going to see a lot more investment, not necessarily more exports. When I hear my colleague from Nebraska describe what is freedom in China, and what is going to go on, I can't figure out exactly what he is trying to get at. We have these two reports on the brutal treatment of people.

I just spent 30 or 40 minutes giving examples of the persecution in China. We have the State Department report on human rights abuses. We have all the human rights organizations reports. We just want to say no, that doesn't matter? We don't want to take this into account at all? We don't want to at least pass an amendment that says yes to normal trade relations, but, China, you must at least live up to these elementary conditions, this sort of basic definition of decency? We don't wanted to go on record supporting that?

We have U.S. companies going to China right now, and they are paying 3 cents an hour. We have people working from 8 in the morning until 10 at night, with maybe a half an hour off from work, under deplorable, horrible working conditions. If they should dare to try to organize a union, they wind up in prison serving 3- to 8-year sentences. I hear from my colleagues we are all concerned about freedom. The evidence just does not support that.

Let me be clear by way of summary: This amendment I have introduced—cosponsored by Senator HELMS and, I believe, Senator FEINGOLD—says we are going to take seriously the International Freedom Act that we passed, we are going to take seriously the recommendations of this report, we are going to say there will be normal trade relations, but the Chinese Government does have to live up to these standards; we are not going to be indifferent to the religious persecution that is taking place in this country.

If this report had not come out by the U.S. Commission on International Religious Freedom, if the State Department had not come out with a report saying it is brutal what is happening to people—Christians, Muslims, Catholics, you name it—then I wouldn't have this amendment. But this is the evidence that is staring us in the face.

The amendment I have introduced calls upon the Senate not to be silent on this question. I know all about some of the companies that have all of their ideas about investment. I know the ways in which they are going to make China an export platform, where they can pay people miserably low wages and then send products back to our country. They are doing that right now. I understand all of the economic power behind this. But I ask my colleagues, are there not other values that matter to us? How about religious freedom?

Again, I say to my colleague from Nebraska, this isn't about whether or not this bill will pass. That is not a legitimate excuse to vote against this amendment. If you feel strongly about religious persecution and you do not want to be indifferent, then you should support this amendment. If we pass this amendment and this bill goes to conference committee, then it will be rereported out of conference committee. And if there is the will to pass this and there is overwhelming support for establishing normal trade relations with China without annual review, it will pass. Everyone knows that. Don't use that as an excuse. Just vote for what you think is right.

Don't go home to the coffee shops in your State and say: Well, yes, I think these reports about persecution of people were terrible. I certainly didn't want the Senate to be indifferent, and I didn't want to communicate a message to the Chinese Government that

all we care about is the economics, we don't care about these issues. The thing of it is, I couldn't vote for this amendment because if I voted for this amendment, then the bill wouldn't have been passed in the same form in the House and the Senate. And then it would have had to go to conference committee, and that would have meant there would be some delay. I didn't want there to be any delay.

People's eyes will glaze over. They will look at you, and they will say: Why don't you just vote for what you think is right or wrong. Don't give us this insider talk which, by the way, is not so persuasive.

We could pass this bill in any number of different ways with this amendment. I hope my colleagues will support it.

AMENDMENTS NOS. 4118 THROUGH 4121, EN BLOC

Mr. WELLSTONE. Mr. President, I know Senator BYRD has some amendments. What I will do is send up my other amendments and ask for their consideration. Then I will lay them aside so other colleagues may introduce their amendments. I send my other four amendments to the desk en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be reported and laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments Nos. 4118 through 4121 en bloc.

The amendments are as follows:

AMENDMENT NO. 4118

(Purpose: To require the President to certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection)

On page 4, line 22, beginning with ''Prior'' strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

(Purpose: To require the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products and for other purposes)

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered ''reeducation through labor'' facilities.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

(Purpose: To require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions)

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

(Purpose: To strengthen the rights of workers to associate, organize and strike, and for other purposes)

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Right to Organize Act of 2000''.

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following new paragraphs:

''(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

''(3) Subject to reasonable regulation by the Board, labor organizations shall have—

''(A) access to areas in which employees work;

''(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

''(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act.''.

SEC. 803. LABOR RELATIONS REMEDIES.

(a) BOARD REMEDIES.—Section 10(c) of the National Labor Relations Act (29 U.S.C.

160(c)) is amended by inserting after the fourth sentence the following new sentence: ''If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act.''.

(b) COURT REMEDIES.—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

''(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

''(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge.''.

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

''(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

''(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.''.

Mr. WELLSTONE. Mr. President, all these amendments will have debate and time agreements, and we will move along.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that the vote regarding the pending Wellstone amendment occur at 12:15 p.m.

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

Mr. GRAMS. I thank the Chair.

I yield up to 3 minutes to my colleague from Montana to speak on the pending Wellstone amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all my colleagues support the intent of the Wellstone amendment. Of course, we want to protect religious freedom all over the world. It is in our American Constitution. It is in our Bill of Rights. It is enshrined in the first amendment to the Constitution. It has helped make America the great country it is. There is no doubt about it.

But that is not what we are voting on. In effect, what we are voting on is whether our American farmers, ranchers, workers, manufacturers, or service providers will be able to take advantage of very significant liberalization and market openings that will occur in China once it joins the World Trade Organization. In effect, that is what we are voting on.

We are also voting on whether, if we deny Americans the opportunity to trade on a more liberalized basis with China, we are going to therefore allow our Japanese and European competitors to trade with China on much more favorable terms than we Americans would.

A vote for the Wellstone amendment means Americans will be closed out of the Chinese market of trade on favorable terms. It also means in effect that other countries—I mentioned before Japan and the European Union—will be able to trade on more favorable terms because they will have already ratified their PNTR with China. It is very clear at this stage of the congressional session, the Presidential election year, any amendment to H.R. 4444 will kill the bill. That is clear. I assure my colleagues that there will be no conference on this bill if there are any amendments at this stage in the congressional session.

I think it is also illustrative to point out what some very prominent religious leaders have said about the WTO and China. The Dalai Lama has said:

> Joining the WTO, I think, is one way [for China] to change in the right direction. China must be brought into the mainstream of the world community. Forces of democracy in China get more encouragement through that way.

The Reverend Billy Graham said:

> I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to threaten it as an adversary. It is my experience nations can respond with friendship just as much as people do.

Many religious leaders think we should grant PNTR to China. I believe that. It is crystal clear what the other body will do if any amendments are passed here. If those amendments are passed, we will not have a bill. We will not have PNTR. Therefore, I will vote against the Wellstone amendment. I urge my colleagues to vote against the Wellstone amendment, even though I believe almost all of us agree with its underlying intent. It is just not appropriate at this time on this bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I thank the Senator from Montana for his remarks.

Mr. President, I join in saying that we all share the concern of Senator WELLSTONE regarding China's repression of its citizens' religious freedoms. I am sure every other Member of the Senate does as well. But if passed, make no mistake about it, this amendment, as with any amendment that would be offered to this bill, will effectively kill permanent normalized trade relations with China, since a House-Senate conference and a second vote on PNTR would then be required.

So this amendment, or any amendment, for any reason, basically is a killer amendment to this bill. That is why I am going to oppose all amendments to PNTR and ask my colleagues to join me in adopting this approach.

As I've said before, I believe H.R. 4444 is certainly among the most important legislation we will consider this year and likely the most consequential of the past decade. That's because passage of PNTR will create vast new opportunities for our workers, farmers and businesses and also vast new opportunities for the people of China.

It's also because PNTR serves America's broader national interest in meeting what is likely to be our single greatest foreign policy challenge in the coming years—managing our relations with China.

And as those with the greatest experience working in faith-based organizations actually based in China will tell you, engaging the Chinese through PNTR and other avenues offers us the best chance to advance religious freedom—not hinder it, or stop it, but to advance religious freedom in China. The best thing they say we can do is help pass PNTR.

Here is what Billy Graham, one of whose organizations has been working in China for 10 years providing Bibles, literature and leadership training, has to say:

> I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than treat it as an adversary. In my experience, nations can respond to friendship just as much as people do.

And here is what Reverend Pat Robertson says:

> I do not minimize the human rights abuses which take place in [China], but I must say on first-hand observation that significant progress in regard to religious freedom and other civil freedoms has been made over the past twenty-one years. If the U.S. refuses to grant normal trading relations with [China] we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.

Randy Tate, former Executive Director of Christian Coalition, said the following last year:

> Our case for greater trade . . . is less about money and more about morality. It is about ensuring that one-fifth of the world's population is not shut off from businesses spreading the message of freedom and ministries spreading the love of God. . .

According to a letter from 21 U.S. religious leaders,

Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country more freely today than was even imaginable twenty years ago. . . . These positive developments have come about gradually in large part as a result of economic reforms by the Chinese government and the accompanying normalization of trade, investment and exchange with the outside world.

Finally, let's listen to His Holiness, the Dalai Lama: ''Joining the World Trade Organization . . .'' he said, ''is one way (for China) to change in the right direction. I think it is a positive development. In the long run, certainly [the trade agreement] will be positive for Tibet. Forces of democracy in China get more encouragement through that way.''

Mr. President, let us also remember that H.R. 4444 contains a provision to establish a Congressional-Executive Commission on the People's Republic of China modelled after the Commission on Security and Cooperation in Europe, which played such an important role in promoting human rights in the former Soviet Union.

This new Commission's purpose is to monitor human rights conditions in China, including the right to worship free of involvement of and interference by the government.

Each year, the Commission will issue a report to the President and the Congress setting forth the findings of the Commission as well as recommendations for legislative or executive actions to push China to improve its record on religious freedom and in other areas of human rights.

Let us also remember that the U.S. Ambassador-at-Large for International Religious Freedom visited China in 1999 to emphasize to Chinese authorities the priority the United States places on religious freedom.

In addition, the United States has designated China as a ''country of particular concern'' for violations of religious freedom under the International Religious Freedom Act.

Mr. President, every one of us in this body is concerned about religious freedom. Yet as so many religious leaders with long-term experience working in China contend, the best way to advance religious freedom is to further our engagement with China economically and otherwise. PNTR is central to such engagement, particularly as H.R. 4444 specifically addresses the issue of religious freedom.

Finally, I must emphasize again that a vote in favor of the amendment offered by my friend from Minnesota—or for any amendment for that matter—effectively is a vote to kill PNTR. There is simply too little time left in this Congress to conference PNTR and conduct a second round of votes.

I ask my colleagues to join with me in tabling this amendment.

Mr. President, I ask unanimous consent that a statement dealing with the Department of State be printed in the RECORD.

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

STATEMENT BY RICHARD BOUCHER, SPOKESMAN

RESPONSE TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM'S FIRST ANNUAL REPORT

The following statement was issued by Harold Hongju Koh, Assistant Secretary for Democracy, Human Rights and Labor, and Robert Seiple, Ambassador-at-Large for International Religious Freedom.

''The Commission on International Religious Freedom, an independent advisory body created in 1998 to report on and make recommendation to the President, Secretary of State, and the Congress on the state of religious freedom around the world, has released its first annual report. We have only just received the final copy of the report, and will study it carefully. This year's report focuses on three countries in particular—China, Russia and Sudan. In its descriptions of violations of religious freedom, the report appears to parallel closely the evaluations of the State Department's annual Country Reports on Human Rights Practices, released in February of this year, and the International Religious Freedom Report, released in September 1999 (both available at www.state.gov).

''As required by law, the report also makes recommendations for U.S. policy options. We welcome many of the proposals, including the report's call for increased focus on the Sudanese government's abuses of human and religious rights, and its recommendation for increased monitoring of religious liberty at the local level in Russia. The Administration has already enhanced our efforts on each of these issues, and we will look for opportunities to do even more in the future.

''At the same time, the report contains a number of recommendations with which we disagree, especially the recommendation that the Congress impose human rights conditionality on permanent normal trading relations (PNTR) with China. We profoundly believe that conditionality will not advance the cause of religious freedom in China, and will not improve the circumstances of any of the religious adherents about whom we are all deeply concerned. This is because conditionality as proposed by the Commission—and even a vote to reject PNTR—provides little more than the appearance of U.S. leverage against the Chinese government. It would not prevent Chinese entry in to the World Trade Organization (WTO); nor would it deprive China of the economic benefits of WTO membership. What it would do is deprive the U.S. of the full economic benefits of China's market-opening commitments, and severely restrict our ability to positively influence the course of events in China—including our ability to promote religious freedom. It would reduce the role of American companies in bringing higher labor standards to China and in forcing local companies to compete in improving the lives of their workers.

''However, with unconditional Congressional approval of PNTR, China will enter the WTO bound by the full range of economic commitments contained in the U.S.-China bilateral trade agreement. These commitments will move China in the direction of openness, accountability, reform, and rule of law, all of which will improve the conditions for religious freedom in China. Failure to approve PNTR would deprive the U.S. of the ability to hold China to all of these commitments. Given China's likely entry into the WTO, it would also put us in conflict with WTO rules, which require immediate and unconditional provision of PNTR for all WTO members.

''Despite our fundamental disagreement with the Commission on the issue of conditionality, we share the Commission's deep concern about abuse of religious freedom in China, and we remain committed to sustained U.S. Government efforts to promote religious freedom. President Clinton has made promotion of religious freedom abroad a priority of his presidency and an integral part of our foreign policy. The President created the first-ever Advisory Committee on Religious Freedom Abroad, directed that we expand coverage of religious freedom in the State Department's annual human rights report, and supported and signed the legislation that brought into being the International Religious Freedom Commission.

''As demonstrated by our sponsorship of a recent resolution on China at the UN Human Rights Commission in Geneva, we will continue to keep faith with those in China who face persecution due to their religious practices. We also look forward to continued dialogue with the commission on how best to promote our common goal of improving the observance of religious freedom in China and around the world.''

The PRESIDING OFFICER. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. President, I have already made my arguments. I ask unanimous consent that Senator FEINGOLD be added as an original cosponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, again, on this one procedural point, maybe there is something I don't understand about the Senate, but I have been here 10 years. We do have conference reports and conference committees. This is the most amazing argument. All of a sudden, people are coming to the floor and saying we can't vote for any amendment because there will be no conference committee, or there might be one, but then the bill will be dead. What? We have conference committees all the time.

If Senators want to pass this, and if this amendment or other amendments pass and this bill is in a different form, it will be a better bill than we have. Believe me, it will go to conference. And given this steamroller on behalf of this legislation, with so many people wanting it to pass with such powerful interests in the country for it, believe me, it will go to conference committee and the conference committee will report right back to us, and it will pass if we want it to pass. You can't make the argument that a vote for the amendment kills the bill. Vote for the amendment on its merits up or down but don't make that argument because it is simply not accurate.

Mr. President, I yield the remainder of my time.

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. 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.

Mr. GRAMS. Mr. President, I ask unanimous consent that time prior to a vote relative to the Byrd amendment, re: coal, be limited to 3 hours to be equally divided in the usual form, with no second-degree amendments in order prior to the vote.

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

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. The vote has been set for 12:15, is that right?

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. WELLSTONE. I ask that the vote occur now.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMS. Mr. President, I object now in order to give people time to finish some of the business they have before they come to the floor. We have the vote set right now for 12:15, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAMS. I object to the request to move the vote up earlier.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMS. 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. GRAMS. 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 question is on agreeing to the Wellstone amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—30

Ashcroft	Gregg	Reid
Boxer	Harkin	Santorum
Bunning	Helms	Sarbanes
Byrd	Hollings	Sessions
Campbell	Hutchinson	Shelby
Collins	Inhofe	Smith (NH)
Craig	Kennedy	Snowe
Dodd	Leahy	Specter
Dorgan	Mikulski	Torricelli
Feingold	Reed	Wellstone

NAYS—67

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Baucus	Frist	McCain
Bayh	Gorton	McConnell
Bennett	Graham	Miller
Biden	Gramm	Moynihan
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Hutchison	Rockefeller
Burns	Inouye	Roth
Chafee, L.	Jeffords	Schumer
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Stevens
Conrad	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lautenberg	Warner
Durbin	Levin	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Akaka	Lieberman	Murkowski

The amendment (No. 4114) was rejected.

CHANGE OF VOTE

Mr. DODD. Mr. President, on rollcall No. 234, I voted ''no.'' It was my intention to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

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

Mr. REID. Mr. President, on rollcall vote No. 234, I voted ''no.'' It was my intention to vote ''aye.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. GRAMS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. 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. BYRD. 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. 4115

Mr. BYRD. Mr. President, I ask that my amendment No. 4115 at the desk be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4115.

(Purpose: To require the United States to support the transfer of United States clean energy technology as part of assistance programs with respect to China's energy sector, and for other purposes)

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

The PRESIDING OFFICER. There are 3 hours equally divided on the amendment.

Mr. BYRD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Do quorum calls come out of the 3 hours?

The PRESIDING OFFICER. If they are suggested during the 3 hours, they count. If they are suggested at the end of the 3 hours, they do not.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the time on the quorum call which I am about to enter will not count against the 3 hours.

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

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

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

Mr. BYRD. Mr. President, there are exactly three Senators on the floor, including the Senator presiding. Shouldn't we have better attendance than this on a matter so important as this legislation? I am going to suggest the absence of a quorum, and I will object to it being called off, so it will be a live quorum.

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. BYRD. Mr. President, I am going to break my own rule here and ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD. Mr. President, I do not want to be dilatory. That is not my desire at all. I voted earlier today to proceed to the consideration of this measure. But it seems to me to be a sad reflection on us all if we are going to have a far-reaching measure of this importance before the Senate here at 5 minutes until 1 p.m. and with only three Senators on the floor.

Now, it is not so much that this happens to be my amendment, but this does happen to be an important measure, and this does happen to be an important amendment, in my judgment.

So I am going to suggest the absence of a quorum. I ask unanimous consent that it not be charged against the 3 hours.

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

Mr. BYRD. Now, Mr. President, I would like to have a live quorum, so I will presently intend to object to the calling off of the quorum because I want Senators to give a little bit of attention to what is going on here.

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

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

Mr. BYRD. Mr. President, I have been informed that several Senators are not here, they having thought there would be at least an hour and a half to 3 hours before there would be a vote. I am not going to take advantage of Senators in that way, and I, therefore, shall proceed.

But with now the time running, let me say, I think this is a travesty upon the legislative process. This is a far-reaching measure. There are important amendments that will be called up and voted down—summarily voted down—by many Members; at least, many Members will summarily vote against any amendment. Some have already announced their intention to vote against any amendment.

So a rhetorical question, I think, would be in order. Why have any debate? Why call up amendments? Why go through this charade? I have called up an amendment. We all know it is going to be rejected because some Senators are going to vote against any amendments, no matter what the amendment provides. They can be good amendments, they can be better amendments, they can be the best amendments. They are all going to be rejected. What kind of legislative process is that?

I have been in this Congress 48 years. I have been in the Senate 42 years. I have never seen anything like this. Members are very forthright in saying—they don't make any bones about it—that they have agreed they will not support any amendment. Why? Because they say it would mean, if the amendment should carry, that the measure would have to go to the House and then to a conference.

The House might accept the amendment. There might not have to be a conference. The House might accept the amendment. And if a conference did ensue, again, so what? That is the way we have been doing things for decades. The Senate votes. If there are amendments to the House bill, then there is a conference, unless the House accepts the amendment itself. Here are some amendments that, if the House should have an opportunity to vote on them, undoubtedly would receive good votes in the House and perhaps, who knows, they might pass the House. But this administration doesn't want any vote.

I ask unanimous consent that I may ask a question of the distinguished chairman of the committee.

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

Mr. BYRD. This is the question: Does the chairman of the committee know whether or not the administration is opposed to any amendments being added to this measure by the Senate?

Mr. ROTH. Mr. President, I say to my distinguished friend and colleague that it is my understanding the administration is opposed to any amendment.

Mr. BYRD. Can the distinguished chairman answer as to why the administration is opposed to any amendment as far as he, the chairman, knows?

Mr. ROTH. I don't know that I can answer for the White House why they are opposed. I think, if I might make a short comment, a number of us on both sides of the political aisle, as well as both branches of Government, the executive and the Congress, believe this is an extraordinarily important matter, that it involves our country's economic future as well as security, and that it is important we proceed as expeditiously as possible. I suspect, but I cannot say, there are those who are fearful that we are in the campaign season and, if it goes back to the House, that many will be unable to vote their will for fear they might antagonize some of their important supporters.

Mr. BYRD. Mr. President, that is a forthright answer. It is quite enlightening. I certainly thank the distinguished chairman.

I seem to recall that there have been many important measures over the years that have been debated. Many have been enacted; some have been rejected. The Versailles Treaty was rejected.

What I am saying is, this is not the only important measure. I grant that it is very important. The chairman says it is such an important measure, the administration does not want it amended. At least that is his recollection of what the administration's position is. But there have been many important measures. I won't go through them now, but I can think of a good many that have come up here since I have been a Member of the Senate.

I was here when the 1964 Civil Rights Act was enacted. I believe it was before the Senate 116 days, including the 2 weeks that were used in calling up that measure. But we had amendments. There had to be cloture filed on it in order to get a final vote. There was the natural gas bill of 1978. One could go on and name equally important measures that were far-reaching measures, but never was there the blood oath that was taken by Senators that they would stand to the man or to the woman against any amendment: Regardless of its merit, it shall not pass. And since when has the Senate bowed the neck to any administration and agreed, either publicly or in private or with a wink and a nod, that we will stand with you, Mr. Administration; we will be with you; we will stand against any amendment. It does not make any difference how it might affect my constituents. It does not make any difference how it might affect my sons, my daughters, my grandchildren. It does not make any difference, Mr. Administration, or Mr. President; we will stand with you; we will be against this amendment.

What is the Senate coming to when the Senate engages in that kind of charade? I say Senators ought to bow their heads in shame. What is happening to the Senate when that kind of situation obtains? That is what we have come to here, where we follow, like sheep, the administration over a cliff.

I dare say there will be some Senators who have taken that blood oath—I will refer to it as a blood oath; it is probably as good as a blood oath because apparently that is the way it is going to work—who will have agreed to pursue that kind of course in spite of the rules, the history, the traditions of the Senate, in spite of the oath of office they took.

Each of us takes an oath to support and defend the Constitution of the United States. Here is the Constitution of the United States. I hold it in my hand. Are we supporting the Constitution of the United States which says that the Congress shall have power to regulate interstate and foreign commerce? Not exactly in those words, but it is in section 8 of article I of this Constitution: Congress shall have power to regulate commerce. That is what this bill is about, commerce. Yet we are not going to let Congress regulate it. We are not going to let the Congress of the United States uphold and utilize its power under the Constitution of the United States in this regard.

This same Constitution says, with regard to amendments, that all revenue-raising measures will originate in the other body. But the Senate may amend, ''as on other bills,'' it says. So that would include the measure that is before the Senate. So we are giving the back of our hand to the Constitution of the United States. We are not exercising our responsibilities—not just our rights, but we are not exercising our responsibilities to the people, to the Constitution, to this country, to our children, to our grandchildren, and to ourselves. We are not standing by our duty and our responsibility if we enter into such an agreement as that among us.

I daresay some of the Senators who have fallen into that pothole will come to rue the day. I will have more to say about this in that regard before we have the final vote. Today, I cast my 15,801st vote in this Senate; 15,801 votes. No Senator in the history of the Republic can match it. I have never entered into such an agreement. When I was in the leadership, when I was a leader, when I was a whip, when I was secretary of the Democratic conference, whether in the majority or minority, I never asked my friends in the Senate to stand to the man.

I am not saying that the majority leader or minority leader have asked Senators to do that. But there is some kind of a virus that has come along here and seized on the Chamber and, all of a sudden, there are several Senators who are going to vote against any amendment. Think about that. I would not want my constituents to think I would do that. I might want to listen to a Senator. He might be a Republican. I might want to listen to that Republican explain his amendment, and I might want to vote for it, and I might vote for it. I might vote for it even if my fellow Democrats were against it.

This Senator is not going to be bound by any ''blood oath.'' I objected to that when I was a member of the house of delegates 54 years ago. I stood up in a caucus and said, ''I'm not going to be bound by this caucus.'' It was a Democratic caucus. ''I am not going to walk around here with shackles and chains on my wrists and legs and, more importantly, on my conscience.''

I think a Senator is entitled to be heard on his amendment and entitled to have the frank opinions of other Senators. He is entitled to have his colleagues' opinions, short of any shackles and chains that are binding them, as it were, to vote against any amendment.

So I am utterly wasting my time. I am just wasting my time. I am sorry to say I am impinging on the time of the Presiding Officer. We have the manager of the bill here and I am wasting his time. Why go through all of this when Senators have stood upon this floor and said—I have heard them—that they will vote against any amendment to this bill. Why? Because if the amendment were to be adopted, it would mean that the bill would then have to go back to the House and go to conference. Well, so what. That is the way we do things. That is the process, and it has been the process for decades. That will continue to be the process. We go to conference or the House accepts the bill. In any event, both Houses have to act together in unison and have to agree upon any measure before it can be sent to the President, providing it is a bill or joint resolution.

So there you are. That is the reason. I will tell you why. They are afraid; the administration is afraid. Senators are afraid—those who have taken this position—of being against any amendment. They are afraid that the Senate, in the free exercise of its wisdom and its judgment, might accept and adopt some of these amendments. When they go back to the House in that case, then the House, in its wisdom, might accept the amendments. And so this measure would not be passed as a clean measure.

What are we coming to here? I can't remember that ever happening in my time in the Senate. It is an unwritten agreement, but it is an agreement, apparently. Shame, shame on us; shame on the Senate; shame on the administration, if that is the policy they are pushing. Are we slaves to the administration? Are we slaves or are we men? Are we free men and women? After all, when it is boiled down, in essence, Milton's Paradise Lost is about freedom of the will. God gave man freedom of the will. Now, why don't you Senators exercise that freedom of the will?

I understand that all who vote against amendments are not doing so just because they have entered into some kind of unwritten agreement that they are going to be against all amendments. There are some Senators who will be against this amendment I am offering. They would vote against it, no matter what. So I certainly don't impugn the character or honesty and integrity of Senators. I am sickened by this idea that we have to pass this as a clean bill and no matter what amendment or whose amendment it is, or where it started, or what its impact or merits, we are going to vote down all amendments. That sickens me. You may say, so what, he is sickened. Well, it is more than ''so what.'' This is the United States Senate.

What a sad day when Senators look at a measure and say: We will not support any amendment. What a reflection upon man's freedom of the will. In the body which is the premier upper House of the world, where amendments are assured and where freedom of debate is assured, what a sad reflection upon our attitudes toward our responsibilities and our duties and toward our rights on behalf of our people. The people of West Virginia want this amendment. The people of West Virginia support the amendment. But they are going to be gagged. They can support it all they want. It will not pass. It cannot pass. The same can be said for other amendments.

I have heard it said here, we are going to influence the Chinese to move farther, to a more moderate society, farther in that direction; we have to pass this, we will have more influence. The Chinese have been around for thousands of years, thousands of years. The Chinese were one of the earliest peoples to have a civilized society. And they are in no big hurry. When they seek to achieve an objective, they can wait. They have the patience of that great man of Ur, Job. They have the patience.

And they say we will influence them, we will influence them to become more amenable to our views and the views of the democracy. We don't even have a democracy here. This is a republic. The very idea that we are going to influence them. We have been in business for 212 years here; they have been in business for 2,000, 3,000, 5,000 years or longer. They were around when the pyramids of Egypt were created by the ancient Egyptians. So we are going to influence them? Well, let's see who is influenced in the long run.

The amendment I offer is a good amendment. If we can influence them on this amendment, we will have achieved something.

I say to the former Senator from Wyoming, we don't call attention to people in the galleries, but he has the right to the floor as a former Senator. I say to my friend from Wyoming, who is a man of utterly good sense, good judgment, that if he were a Member of this body, he would laugh at this charade, he would laugh at this charade, were it not so serious. I am glad he is back on the floor today. At least there is a little wisdom in the Chamber at this moment.

Mr. President, as many Senators know, I have been working for many years to provide funding for a range of clean energy technologies. These technologies are essential to growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. The U.S. will need a range of energy resources if our nation is ever going to achieve a sustainable economic future, and we must expand the range of newer technologies and practices to meet even more challenging problems in the future. The very same argument can be made for China. It would be productive for both nations if we could leverage our hard-won technological advances while helping China develop in a more environmentally and economically sound manner.

Let me say this over again: It would be productive for both nations—China and the United States—if we could leverage our hard-won and costly, paid for by the taxpayers of America, technological advances, while helping China develop in a more environmentally and economically sound manner.

By 2020, energy technology experts estimate that global clean energy technology markets are expected to double, and these markets in developing countries alone could require a multi-trillion dollar investment as infrastructure is built and replaced. Clean energy technologies and other such beneficial mitigation actions such as carbon sequestration are essential responses if any nation, in this rapidly growing economy, ever hopes to adequately address burgeoning environment and energy concerns such as energy security, resource diversity, land use changes, air and water quality, and ultimately, global climate change. If one realizes that two-thirds of the global energy infrastructure has yet to be built and much of the current infrastructure will need to be upgraded or replaced, then every nation must play a role and strategically plan for this anticipated development.

I note that in May 2000, the U.S. and China signed a cooperative agreement on environment and development. Recognizing that these two intertwining issues are some of the most critical challenges in the coming century, our two nations have committed themselves to meeting ever-growing development needs in an economically and environmentally sound manner. As part of that agreement, the U.S. and China plan to expand and accelerate the transfer of clean energy technologies in order to meet energy demands and environmental protection challenges. Among a number of important features, this recent agreement specifically calls for the increased utilization of Clean Coal Technologies. I believe that agreements like this are a gradual but positive step in bringing increased cooperation between our two nations, and I hope that future endeavors that build upon this foundation are pursued.

In 1985, I worked to create the Department of Energy's Clean Coal Technology program, a very successful research and development program. Originally designed to address acid rain reduction, the Clean Coal Technology program is now addressing a broader range of emission issues, including the reduction of greenhouse gases. It is well known that, just as coal has fueled much of the American economy, it will play a major role in China's development as well.

The U.S. and China, two of the largest energy producing nations in the world, will only make substantial progress in reconciling the need for economic growth and environmental protection through increased cooperation that includes the use of clean energy technologies such as renewable, energy efficiency, nuclear, and fossil energy technologies including Clean Coal Technologies. In the end, it does not matter where clean energy technologies like American-made Clean Coal Technologies are demonstrated. More importantly, it matters that these technologies be deployed in any region or nation that uses coal to meet rapidly growing energy demands. While the U.S. should be deploying these technologies domestically, the best energy technologies for coal-fired generation facilities must be installed so that their real world benefits can be proven in China likewise. In a recent survey conducted by the Electric Power Research Institute, it is predicted that nations such as China, with large indigenous coal reserves, will use these plentiful resources for producing electricity to fuel their rapidly growing economy. China is the world's largest producer and consumer of coal. The study estimates—now, get this, the two other Senators who are here today. I won't name them. I want my two other Senators, though, to hear this. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years with about 75 percent of these powerplants utilizing coal.

Now, where are the environmentalists? I need their support on this amendment.

Let me say that again. The study estimates that China could build as many as 180 electric powerplants per year for the next 20 years, with about 75 percent of these powerplants utilizing coal.

What is that going to do to the problem of global warming?

Because coal is the largest energy resource that China can produce in great quantities domestically, it will almost certainly be China's dominant fuel resource choice. As a first step, one of the cheapest and easiest pollution abatement measures that China could utilize would include coal washing. We have been through that. We know what coal washing means. It would use coal washing to remove impurities from the ore.

That distinguished Presiding Officer, who is from Illinois, knows what coal washing is. They produce coal up there in Illinois, and have been doing so for quite a long time.

Today, less than 20 percent of the coal burned in China is washed. In the near term, China needs pollution abatement technologies like coal washing and sulfur scrubbing, with an increasing demand for additional clean coal technologies as new facilities come online.

This evidence should serve as a wake-up call—China will use coal to fuel much of China's economic growth. Still, China's many other domestic environmental challenges are formidable, resulting in serious health and potential economic devastation if they are not addressed. For example, China, home to 5 of the 10 most polluted cities in the world, must address the serious impacts on people's health from this poor air quality.

Today, few Chinese cities have adequate water treatment facilities. Approximately 40 percent of China's water in urban areas is contaminated, and land use changes could make agricultural production and food security increasingly more precarious. Additionally, China now ranks second in the world in energy consumption and greenhouse gas emissions.

Hear me now, environmentalists. You should position yourselves at the doors of this Chamber. You should position yourselves at the elevators to the building and buttonhole these Senators when they come into this Chamber and tell them: Vote for this amendment. This is an environmentalists' amendment.

The Energy Information Agency estimates that 84 percent of the projected growth in carbon emissions between 1990 and 2010 will come from developing countries, and one of the largest sources will be China.

While I know there is no one silver bullet to solve the totality of these very complicated global environment and energy problems, if the international community is ever going to

effectively combat issues of air and water pollution, land use changes, and global climate change, then the United States and China must work together to increase the use of clean energy technology. That window is now open. To ignore the benefits of clean coal technologies, knowing that coal will be a primary fuel of choice, would be folly, utter folly. The U.S. has grappled with many of these energy and environmental problems and is making slow but steady progress in addressing air, water, and land use problems.

For example, the United States has done much to improve its own use of coal as a fuel for electric generation. While coal use has tripled since 1970, the emissions have decreased substantially while also providing the much needed electric generation necessary to light this Chamber, for example; to light the White House; to fuel the needs of the big cities on the Atlantic seaboard, the large industrial centers in the Midwest. I am talking about coal, C-O-A-L.

While coal use has tripled since 1970, the emissions have decreased substantially, while also providing the much needed electric generation necessary for economic growth. We should, therefore, provide developing nations such as China with our expertise and experience—at their cost. These are not for free. These are paid for by the American taxpayer. But we should make them available, and our agencies operating in China should help to open the doors, open the gates so these technologies that have come at great expense to the American taxpayer can be utilized for great effect in China.

We should help China to resolve its environmental and developmental dilemmas by learning from our own past mistakes, in part through the utilization of the most advanced energy technologies and practices. My amendment requires any U.S. Government agency that plays a role in environment and energy, and operates in China, to increase that agency's efforts to increase China's efforts to get clean energy technologies on the ground in China.

I recognize that at this time there are particular limitations on specific agencies prohibiting them from working in China. These sanctions are another issue that Congress should address later. My amendment is not intended to overturn those sanctions. Rather, the United States should be using the collective resources and expertise of such Government agencies as the Departments of Commerce, State, and Energy, the Environmental Protection Agency, and the Export-Import Bank to provide greater technical assistance and other aid, to the maximum extent practicable, to assist in the promotion, the transfer, and the deployment of more American-made clean energy technology. The U.S. Government needs to help U.S. companies increase their market share for environmental and clean energy technologies in China's rapidly growing market.

In June 1999, the President's Committee of Advisors on Science and Technology released a report entitled ''The Federal Role in International Cooperation on Energy Innovation.'' The conclusions of that study strongly suggested that more needed to be done to fill the gaps in the ''technology innovation pipeline.'' The recommendations include strengthening the Federal foundation for capacities in energy technology innovation, promoting a range of energy efficient and clean energy technologies, and enhancing the interagency development of these ideas internationally. The scientific and technology experts outlining these recommendations have made a number of observations in their report that justify the need for this very important amendment.

What are some of those observations?

1. Energy use will grow dramatically worldwide, particularly in developing nations.

2. Technological innovation and the policies adopted to promote efficient and clean energy technologies will determine the quantity of energy used in the future and the impact of that energy use.

3. A significant portion of the demand for new energy technologies will be outside the United States under any future scenario.

4. Government has a critical and legitimate role to play.

5. Strengthening industrial and developing country cooperation on clean energy technologies is a promising approach to helping secure developing country participation in any future international framework for addressing global climate change.

6. A unified vision and coordinated management will enhance U.S. international cooperation efforts on energy.

In an effort to help implement many of these commonsense ideas, I offer my amendment today. If Senators believe that more needs to be done to address global environment and energy issues —and I not only say Senators, but I also include the White House. The Vice President has been a leader in the effort to have countries clean up the pollution. He has been a leader advocating measures to offset global warming. This is his chance. This is the time. This is the opportunity.

If Senators believe that the United States has developed a package of commercial-ready, cutting-edge, clean energy technologies, if we believe the recommendations outlined in this report and believe that they make sense, if we believe the United States should be doing more to develop clean energy technology markets internationally, then I have the way to do it. I have the amendment. This amendment is a logical outcome.

Clean coal technologies are just one of many examples of clean energy technologies that have been enhanced through U.S. investment in research, development, and demonstration. But many of these newer, cleaner technologies must eventually be deployed in the market so that their worthiness can be proved. It is imperative that we fill that gap. The United States should be doing even more to work with China to get clean energy technologies in place.

If there is something real to this thing called global warming—and I believe there is. I believe there is something to global warming. This is the way to ameliorate it.

China would benefit by utilizing cleaner technologies; growing its economy, and improving its citizens' lives. At the same time, U.S. companies would benefit by creating an even broader market opportunity for American-made technologies.

Some people may believe that the United States should not be helping China make clean energy technology investments until China has formally committed itself to the reduction of greenhouse gas emissions, as outlined in Senate Resolution 98. I am a believer in Senate Resolution 98. As a lead sponsor of that resolution, let me be clear, we should be encouraging more action, not less action. The amendment that I offer today is not tied to S. Res. 98 or any climate change treaty.

I recognize the underlying science of climate change and believe that every nation including China, must do its part to tackle this international problem. If the international community is ever going to tackle a truly global issue like climate change, then all nations must work to find equitable, cost-effective ways to reduce greenhouse gas emissions. While clean energy technologies may help reduce greenhouse gases, they also address a wide range of equally important environment and energy concerns. Therefore, the United States should be taking further steps on many fronts, including encouraging China to use more American-made clean energy technologies. This is a win-win-win-win opportunity for both our countries and may eventually provide for future scenarios by which developing nations consider climate change commitments.

While there are many issues that our two large, very powerful countries do not agree on, energy and environment challenges constitute common issues of concern in which we can work more closely. Chinese officials at the highest levels have acknowledged that increasing steps must be taken to fight pollution and ecological deterioration. China's domestic efforts must increase given the serious nature of their environmental problems. They have serious environmental problems, and they know it. It is clearly recognized that

there are sound policy options and a range of commercial-ready technologies that can help China make substantial improvements in its energy sector but all parties must be ready to meet these challenges. International cooperation remains critically important, especially for introducing more clean energy technologies and mitigating greenhouse gas emissions. This can be done if the United States and China work more closely to enhance clean energy technology transfer for the benefit of both our nations.

As the panel of scientific and technology experts from this assessment on clean energy technology innovation has concluded:

> The needs and opportunities for enhanced international cooperation on energy-technology innovation supportive of U.S. interests and values are thus both large and urgent. . . . Now is the time for the United States to take the sensible and affordable steps . . . to address the international dimensions of the energy challenges to U.S. interests and values that the 21st century will present.

Therefore, I urge Senators to put aside the blood oath and support this amendment as it will help strengthen the American values, American-made technologies, and the PNTR bill that we are considering today.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 56 minutes.

Mr. BYRD. I thank the Chair.

I yield the floor.

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

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment regarding clean energy. I have to confess to my good friend and colleague that I do so reluctantly because I know of no one who is more experienced in the procedures of this august body or who is better equipped to lead an argument in which he believes so strongly.

I have to say that much of what he wants to accomplish I not only sympathize with but think it is critically important that we address those problems at some future time.

First, let me repeat what I stated at the beginning of the week. Any amendments that are added to this legislation would indeed force us into conference on this bill. We are in agreement on that. But given the limits of time, it would be uncertain whether we would have the time to take up and adopt a conference report.

Many of us on both sides of the aisle—my distinguished ranking member, Senator MOYNIHAN, as well as myself—strongly believe that this legislation on PNTR is the most important piece of legislation we will consider this year, if not this decade.

I know the ordinary process is to have conferences and go back and forth, but it seems to me one of the remarkable aspects of this Congress, and the Senate in particular, is the flexibility in the means of which we can progress on a legislative endeavor.

Those of us who believe it is of utmost importance that we open China's doors to American exports and products believe strongly that the best way to accomplish it, under current circumstances, is to try to keep a clean bill.

Let me point out for the public at large, particularly in the Senate—perhaps less so in the House—there are many opportunities to raise this type of question. We have a rule of nongermaneness. To me, always one of the great advantages, I say to the distinguished Senator from West Virginia, of being a Senator, even a freshman Senator, is you can raise significant legislation and have the opportunity to debate it on the floor, which is not always true of the House of Representatives.

But the point I am trying to make is that those of us who support this legislation—I would include the administration—there is a broad consensus among many of us that it is critically important that we move ahead with permanent normal trade relations, and that if we begin down the road of amendments, it could very likely prevent effective action being taken on this piece of legislation.

I point out that if we fail to act this year, China will still become a member of the WTO. We are disadvantaging our people, our companies, our workers, our farmers by not providing them the advantage of the significant concessions that Ambassador Barshefsky negotiated with her Chinese counterparts.

I would say, those who oppose the bill, of course, are more likely to be willing to take these risks than those of us who believe it is of such critical importance to our country.

So given the limits of time, it seems to me it would be uncertain whether we would have the time to take up and adopt a conference report. As such, it seems to me, a vote in favor of an amendment on this bill is a vote to kill it. It is really that simple. That is why I must oppose it.

It is ironic that by threatening passage of PNTR, this legislation could have the opposite effect to what was intended. After all, PNTR is essential to giving our companies, our farmers, and our service providers meaningful access to the Chinese market. This, obviously, includes the companies and service providers that are more than ready to sell China environmentally sound products and services, including those that my colleague seeks to promote through this amendment.

I strongly agree on the seriousness of the environmental problems in China. I think the distinguished Senator from West Virginia mentioned there are certain cities that, if you have ever visited, really illustrate the magnitude of the problem and understand the importance of improvement being made environmentally.

But whether or not we will be in a position to supply our technology, to provide our equipment and services, will depend on how effective we will be on moving ahead with granting PNTR in response to the upcoming accession of China to WTO.

Once China becomes a member of the WTO, we will be in a far superior position to provide the kind of assistance that will protect our interests, but that will happen only if we pass this legislation. Passage of PNTR will improve our ability to encourage China to begin to take the measures that are essential if we are going to address the problems of global warming and all the other serious environmental problems.

Indeed, I have to emphasize that, in my judgment, nothing will promote exports of these types of goods and services more than PNTR. This is not just because of the market access commitments the Chinese have made. WTO accession will also bring China under the disciplines of the TRIPS agreement, which is the WTO agreement on intellectual property rights. As my distinguished colleague knows, nothing is more critically important, and protected with greater care, than know-how, technology. The United States is a leader, the world leader in developing the most progressive technology, whether it is environmental technology or technology in other areas. And by passing PNTR, we help protect our technology. We gain a system by which we can enforce our rights; through a dispute settlement process that is part of the WTO. As a matter of fact, the Chinese have even agreed to some stricter provisions in protecting our intellectual property rights, which is important, I know, to both of us.

We should also not lose sight of the fact that the countries with the best environmental practices are those with the greatest level of economic development. China's WTO accession is the key element for ensuring economic growth in China and bringing them along the path of economic development. It is only with that economic development that we will be able to see long-term and sustainable progress towards environmental protection.

Frankly, this is as true in China as it is in any other developing country. It simply is a fact that poor countries cannot afford the types of environmental protections that the wealthier countries enjoy. As much as we may wish this were not the case, it is a fact we cannot ignore. That is why we should not do anything that would threaten PNTR's passage.

There are, in my judgment, many important reasons for supporting PNTR,

but one of them is that it, together with WTO accession, will be essential an element of creating the conditions in China for improved environmental protection.

Again, I am very sympathetic to the objectives and goals of the Byrd amendment, but I also feel compelled to make it clear to all my colleagues that a vote in favor of this amendment is a vote to kill PNTR. For that reason, I must oppose this amendment and urge my colleagues to vote against it.

Let me reiterate that China will become a member of the WTO regardless of the decision of Congress on PNTR. The legislation before us is not about that. What is at issue is whether we want to say yes to China's offer to open its door to our goods.

Let me also add that I was very much interested in hearing the comments of Senator LARRY CRAIG of Idaho, discussing on this floor his experience in a visit with the Chinese leadership. In that discussion, he pointed out that not only was the President very open about his support for the concessions that had been made in the negotiations with the United States, but he was looking forward to even greater opening of the Chinese market.

Again, I think it is important for everyone to understand that China has access to the American market. This legislation in no way affects that. What is important, this legislation opens up China's market to the United States of goods, products, technology. For that reason, it is critically important that we proceed and act affirmatively on giving permanent normal trade relations.

Once we do that, we are taking a giant step forward in permitting the kind of exchanges of environmental technology, of science, of equipment, of supplies that will help China address its serious environmental problem. I appreciate the concern of Senator BYRD about this environmental issue, but the best way, in my judgment, to begin solving and addressing that problem is by making sure China has permanent normal trade relations.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as I indicated yesterday in remarks following an extensive comment by our sometime President pro tempore, our revered Senator from West Virginia, the Senator from Delaware and I would have to oppose all amendments. Whatever their good intentions or sound assertions, they would simply have the effect of costing us this epic and fundamentally important measure.

I will just say one thing about clean coal. It is remarkable how much progress has been made in our time. I can recall, as a graduate student after returning from the Navy, I received a Fulbright fellowship to the London School of Economics. The clean air technology was so bad in Britain that there would be days, theoretically full daylight, in which the buses would be preceded by busmen carrying electric lights to show them their way through the streets of London. It was darkness at noon in the most extraordinary way.

I visited what was then Peking, in our usage, in 1975. The air was not breathable.

At that time, or just previously, the Mao government put out large matters about biological warfare by the United States which required the citizens to wear white masks during the day. Certainly it wasn't biological warfare; it was the air quality. It is not what it should be today. It is vastly better than what it was, and it will be vastly better yet as economic development proceeds.

So with a measure of regret and great respect, I have to urge our Members to vote against this otherwise admirable amendment. On another vehicle, at another time, yes, but not this afternoon.

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

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

Mr. GRASSLEY. Mr. President, I yield to the Senator from Texas, Mr. GRAMM, 20 minutes on the Byrd amendment, from our side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank our dear colleague from Iowa for yielding. While my time will be charged against the majority time on the Byrd amendment, I want to talk about the bill itself.

Mr. President, you run for a high office such as the Senate because you want to have an opportunity to have an effect on people's lives. You hope that effect you have is going to be a positive one. What we have political parties and debate for is to determine which policies are positive and which are negative in terms of their impact on people. I would have to say I have seldom had an opportunity to speak on an issue or to vote on legislation that I think is more important for the future of every American and more important for all the people who live on this planet than the issue of establishing normal trade relations with China.

I would like to try to look at this in more of a historic context, to try to define why I think this is such a big deal and why this is so important to every person living on the planet. In 1948, from the rubble of World War II, a group of 23 nations got together to form an organization that became known as the GATT. What that organization was trying to do was to learn from the experiences of the 20th century, to learn from the experiences of the Great Depression where we turned a recession into a depression with protectionism and protective tariffs, to learn from the terrible experiences of a world war.

Those nations had a vision, in 1948, to set up a world trading system so that people could produce goods and services and sell them all over the world so that countries would not end up getting into wars over resources, because resources would be freely traded. And since people living anywhere could specialize doing the things they did best, those nations believed the welfare of each individual citizen and all citizens combined would be enhanced.

Remarkably, those 23 nations that set up what we know today as the world's trading system included China. In 1948, 52 years ago, China joined the United States, Great Britain, and other countries with a dream of promoting world trade. But then, in 1949, just 1 year later, something happened. What happened was China took the wrong turn. China turned to the dark side. China listened to politicians who said they were for the people and not for the privileged. China thought they could create wealth by tearing down wealth. China thought you could build up somebody by tearing down somebody else. So they set about creating what Chairman Mao called a ''ladder to paradise.'' The net result was the destruction of capital, the destruction of private property, the destruction of any kind of modern system for economic development—and untold suffering and poverty for the Chinese people. Remarkably, a country with among the most able people in the world found itself among the poorest countries on the planet. China had achieved the Marxist dream of making people equal—but it was an equality in poverty and hopelessness. I should say that it was equality for everybody except a small number of political leaders; they seem to never be equal.

If anybody needs any numerical examples of what a difference economic freedom makes, listen to these numbers. In 1949, mainland China and Taiwan had roughly equal per capita incomes. The mainland had all the natural resources, and obviously they had the same kind of people. By 1978, by promoting world trade, protecting private property, and increasingly allowing people to make economic choices for themselves, the per capita income of Taiwan had risen to $1,560 a year. In contrast, per capita income on the mainland was a wretched $188 a year. Today, the per capita income of Taiwan is over $13,000 a year. And while China has started to turn from the dark side, while dramatic changes are underway in China, per capita income there is currently only $790 a year.

Why is this vote so important? The vote is so important because in 1948 China was one of 23 nations that shared our dream of an open world with relatively free trade. Then in 1949 they turned to the dark side, and the Chinese people paid a terrible price for that decision. Today, 52 years after helping to found what now is the World Trade Organization, China is back knocking on the door, in essence saying we did the wrong thing by turning to the dark side 51 years ago, and now we want to come back and join the rest of the world in the free exchange of goods and services.

This is an important occasion, it seems to me, because we have to answer the question: Are we going to open the door or are we going to slam the door in their face?

We often get carried away around here in thinking that if people are not perfect, they are not good enough. We have heard a lot of criticisms about China on the floor of the Senate, and they are the same criticisms heard around the country. Based on the facts I would say the criticisms are absolutely correct.

The two arguments we have heard more than any other argument in this debate are, No. 1, there is relatively little religious freedom in modern China. Obviously, that is true. I remember when Senator MCCAIN and I were in Beijing and we were visiting with the President of China. We had raised the question about Tibet and about religious freedom. He said: We do not object to people practicing religion. It is proselytizing we object to.

I said: Mr. President, you don't know proselytizing. Wait until the Baptists and the Mormons get over here. You haven't seen proselytizing.

When people think they have found something in religion, they want to share it. But in China they do not have a conception of what religious freedom is. If we are going to trade only with countries that have granted its people the full range of religious freedom, China today fails on that account. But that is not the right question. The right question is, Will there be more religious freedom in China tomorrow than today if we reject this agreement, or will there be more religious freedom if we accept it?

I tried during that meeting, and have on several subsequent occasions in meeting with Chinese leaders, to explain that freedom is like pregnancy. You cannot have just a little of it. It takes on its own life. When people have economic freedom, they want political freedom. When people have a right to own property and make decisions about their own future, they want the ability to make decisions about their own leaders. We have seen it in Taiwan. We have seen it in Korea. It is changing the world, and it will change China.

For our colleagues who say they object to religious suppression in China, so do I. I object to it, and that is one of the reasons I am for normal trade relations with China. I believe that based on all of our historic experience, trade will change China. The ability of people to trade and, in the process, to experience prosperity and have the economic freedom that comes from the ability to buy American products, to know the joy of wearing cotton underwear made out of Texas and American cotton, to get the ability to own stock in America, to get the ability to own bank accounts denominated in U.S. dollars—all of that is provided in this agreement.

Once you have a bank account with U.S. dollars in it, you are fundamentally changed forever. You want your right to have your say, and you want the right not only to make decisions in your family, but you want the right to ultimately affect decisions of your country, and you want the right to worship God as you choose. When you have economic freedom and the prosperity it brings, you ultimately have the power to get religious freedom.

Many of our colleagues say that the Chinese do not respect workers' rights, and they do not. If one was going to judge this agreement based on how workers are treated, how do you expect a country to treat workers when most people work for the government? How do you think this country would treat workers if we all worked for the government? Workers end up being treated well because they have opportunities, because if they do not like how they are being treated on this job, they can quit and go to work somewhere else.

We hear the AFL-CIO talk about workers' rights in China. If they really cared about workers' rights in China, they would be for this agreement because what this agreement is going to mean is more trade, more capital, more competition, more freedom, a larger number of employers in China and, therefore, the freedom that people will have to quit working for the government and government-sponsored enterprises and work in the private sector.

I am not here to argue today that we ought to agree to normal trade relations with China because China treats its workers well. I am here to argue for normal trade relations with China because if we have normal trade relations with China, workers will be treated better because they will have more opportunities, they will have more freedom.

There are some people who make the most fraudulent argument of all, and that is the argument that they oppose normal trade relations with China because China does not protect its environment, or because China makes decisions about its environment to which we object. If you really care about the environment in China—and they are part of the environment of the planet on which we live—you should be for this agreement because what poor country protects its environment? What country with a per capita income of $790 a year has the luxury of being concerned about its environment? I can answer that. None.

If you want the environment to be better protected in China, you want more economic growth, more economic freedom, more prosperity so that people have the luxury of being concerned about the environment.

I am not here today to say people who say there is no religious freedom in China are wrong. I am not here today to say that the people who say workers' rights are not respected in China are wrong. I am not here to say people are wrong when they say that China does not protect their environment. They are right.

The question is not what is China like today; the question is what will China be like tomorrow. The answer will be based on what we do in terms of either opening this door to let them into the world of trade, or slamming the door in their face.

There are other people who say if we let China in, ultimately that is going to mean that when we go to Wal-Mart, that shirts are going to be cheaper, that sweaters are going to be cheaper, that clothing is going to be cheaper, that implements are going to be cheaper, and that that is a bad thing because they could be made in America. I reject that. I think it is a plus. I thank God every day that people can go to Wal-Mart and buy clothing that is inexpensive. Few benefactors in the history of America or the world have done more than Wal-Mart to benefit ordinary people. The Chinese can produce quality goods that the people of Texas want to buy. I believe in freedom, and part of freedom is the right to buy something if it is legally traded and if it benefits your family.

What do we get from these agreements? We have heard a lot of talk about the fact that we get a 17-percent reduction in average tariffs on agriculture. I can assure you that is going to be good news for our corn producers in Texas. It is going to be good news for our cotton producers. We believe that as the Chinese get an opportunity to eat Texas beef, they are going to like it, and as their income grows, they are going to want a lot more of it.

We also believe that lowering industrial tariffs in China from an average of 25 percent to an average of 9 percent is going to be a dramatic boom to U.S. manufacturing, especially the manufacturing of high-quality items in high-wage industries, such as our high-tech industries. We believe we will benefit.

As chairman of the Banking Committee, I wish to touch on three other industries that are also going to benefit. My colleagues know that we in America produce financial services better and more efficiently and more

abundantly than any other country in the world. Needless to say, this is a high-wage industry. It is one in which we dominate the world, and we want to continue it. I will touch briefly on a couple of these industries.

In the insurance market in China today, there is an ad hoc system where U.S. and foreign insurers get a license to operate based on political favor, on good fortune, or having been there first.

And as an insurer, you have very real limits on where you can sell your products.

Under the November 15 agreement, China will grant licenses without quantitative limits or needs testing to qualified foreign insurers. American insurance companies will be able to sell in China. And China's geographic limits on where foreign insurers can sell insurance products will be phased out over a 3-year period.

Don't you think it will be good for people in China to get an opportunity to own a piece of the ''rock''? It seems to me that if anything ties us together and promotes peace and trade, it is having people in China be able to invest in American insurance companies, or buy IRAs, or enter into 401(k) retirement programs where the money is invested in the United States of America and around the world. Clearly we all benefit from that.

Today, foreign banks in China can engage only in commercial banking if they are located in 20 specific cities. Foreign banks can only offer banking products in foreign currency. That means that for most people in China, they do not have access to American banks. It's an extremely limited ability to operate. Basically, what foreign banks have to do is to get Chinese partners, which means they basically must give part of their business away for the right to operate in China.

But under the November 15 agreement, all geographic restrictions on foreign banking in China will be lifted within 5 years. American banks will be able to own 100 percent of their banking operations in China.

Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. GRASSLEY. I will grant the 2 additional minutes.

Mr. GRAMM. And within 5 years, American banks will be able to do banking business in Chinese currency.

I cannot imagine how the world won't be better off when people working in China can bank in American banks, and use American banking products. If that is not the essence of freedom, I don't know what is.

It's a similar story for our securities industry. Today, there are very real limits on American securities firms' activities in China, and on the ability of U.S. companies to invest and to have clear operating ownership. Those restrictions will be significantly modified for the benefit of our industry as well as the Chinese.

To sum up, with the implementation of the November 15 agreement and the adoption of this PNTR legislation, the American financial sector as well as our industry and agricultural sectors will have an extraordinary opportunity to compete in a growing market of 1.2 billion consumers.

It is seldom in the Senate that you vote on something that represents history in the making. A lot of what we do here—and a lot of what everybody does in every job in the world—is a bunch of little things about which they don't necessarily get excited. Today, we have an opportunity to work on something that is critically important, something that truly will dramatically improve the world in which we live.

I am very strongly in favor of the pending PNTR legislation. I am opposed to amending this legislation. There are many good ideas for amendments, but the bottom line is this is something that is important. This is something that is historic. We need to get on with it, without tacking on amendments.

I thank our colleague very much for yielding me the time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield myself as much time as I may consume.

Mr. President, I understand the pending amendment is that of the distinguished Senator from West Virginia. My remarks are not to that amendment, or at least the first part of my remarks, but more general in nature on the entire debate in reference to PNTR.

I believe that the issue before us—whether or not to improve what is called the permanent normal trade relations with China—is the Senate's first critical—very critical—foreign policy test of the 21st century.

It seems to me that we are poised at a crossroads. Our future depends on the right decision.

I thank the distinguished Senator from Texas for a very comprehensive review of the issues that will affect our daily lives and pocketbooks, both in China and the United States—more particularly the United States. I associate myself with his remarks.

Do we approve PNTR and demonstrate to China, and just as importantly, if not more, to the world, that diplomacy through commerce is a formula for stability and progress or do we vote PNTR down and miss the opportunity to become linked with one-fifth of the world's population?

I, for one, hope we summon the wisdom and the courage to remain engaged by appropriately approving the legislation that is before us without amendments. To do otherwise would be a very serious mistake.

I strongly support this legislation. However, some of my colleagues have argued, and will continue to argue, that America should refuse to do business with China. They cite the possibility of job loss, trade deficits, international disputes, and human rights, not to mention national security concerns, as reasons to isolate and to ostracize China.

On the contrary, it seems to me that approving PNTR and validating the trade agreement—which requires China to drastically reduce its tariffs, eliminate trade barriers, and remove restrictions on foreign investment and trading and distribution rights—will benefit American workers and farmers and businesses.

These new market opportunities will support U.S. jobs and U.S. economic expansion into the new century, not to mention assisting the Chinese to become more familiar with and ascribe to the rule of law. This issue cuts across all areas of America.

To illustrate the broad importance of China trade, let me use some examples from my home State of Kansas. Boeing is the world's largest aircraft exporter. It employs 18,000 people in Kansas, with a payroll of $1 billion, where 80 percent of that production—80 percent of that $1 billion that accrues to Kansas—is export related.

In 1994, Boeing exported 25 percent of all Kansas production to China. In the future, China plans to buy large numbers of regional aircraft which are made at the Boeing plant in Wichita. But if the Senate should fail to approve this bill—amendment free—Boeing will suffer a huge competitive disadvantage in the huge Chinese market, and these valuable contracts will go to a European competitor, not to mention the loss of jobs in Wichita.

Likewise, PNTR will have a similar impact on agriculture, an industry where one-third of all goods are bound for export markets.

In 1998, Kansas farms exported $58 million worth of goods to China. This agreement increases the market access and grants distribution rights for corn, beans, wheat, beef, pork, and fertilizer—all of the agricultural products so vital to us in regards to our balance of payments as well.

China soon may be able to purchase the entire annual wheat crop of Kansas. I certainly hope that would be the case, more especially with the price today at the country elevator.

My good friend and Kansas native, Secretary of Agriculture Dan Glickman, estimates that passing PNTR will mean an additional $2 billion per year in total U.S. farm exports to China in just several years.

Engaging China will benefit our other Kansas businesses.

Let me go back and reflect a minute before I get into the other jobs that are directly affected in other industries.

We had quite a discussion, it seems to me, before we broke for the August recess about the appropriations and the authorization for agriculture. I think it was reflective of the $5.5 billion in emergency lost income payments, $7.5 billion, as I recall, for the new crop insurance reform, some emergency assistance because of hard-hit areas of the United States, where farmers and ranchers are going through a difficult time.

People totaled up last year's expenditures and this year's expenditures. The difference this time around is that we budgeted this money. It does not come out of emergency funds. There was a real concern expressed by many of my colleagues on this side of the aisle and that side of the aisle about these expenditures, and saying: My goodness, we are spending a record amount for agriculture.

I didn't hear too much debate in that arena as to the cause, as to why we are going through a world price decline, not only the United States but farmers everywhere, all around the world. There have been 3 record years of crops worldwide, sanctions on 71 countries, not using all the export programs, the value of the dollar hindering our exports, the Asian market in real decline, and the same thing for South America. The list goes on and on. Not too much debate with regard to the cause, what is happening to worldwide agriculture prices, and why this outflow of expenditures, yes, to subsidize American agriculture at record levels, and a lot of concern about, wait a minute, we are not going to have one more nickel go to agriculture that is first not authorized and appropriated. I agree with that; I think that is the way it ought to be.

We have done some very good things in this session in behalf of agriculture. My point is, if we do not pass this trade bill, if we do not have an aggressive and consistent agricultural policy with regard to exports, we really should not be hearing too much criticism about one nickel more going to agriculture—if we shut down these markets and say we are not going to trade with one-fifth of the world's population. That is one of the things we should consider as the law of unintended effects. If in fact this bill does not pass, it is going to cause a trade disruption such that one could hardly imagine. We will be going into the next century with our trade policy in real tatters.

Engaging China will benefit our other Kansas businesses—I am trying to point out the effect of this bill in a macro way in Kansas, micro in terms of the Nation—large and small businesses. Let's try Payless Shoe Source, Inc., 2,000 Kansas employees; Black & Veatch production is export related, a major international engineering firm with offices in the Kansas City area; a business called Superior Boiler Works of Hutchinson, KS, which provides industrial boilers for building projects in China—you might not think Hutchinson, KS, is where we are providing most of the boiler projects for that huge nation, but that is the case—several ventures in China by Koch Industries of Wichita. Clearly, the stakes are high, thousands of jobs. One out of four jobs in Kansas depends on trade. I use the Kansas example only for illustration. All 50 States will certainly benefit as well.

I don't think we need to be misled by charges that a vote against PNTR is a vote to protect American jobs. I just don't think that is correct. There are winners and losers in regard to all trade agreements. As a matter of fact, I think in some ways, when we talk about this issue or any trade pact, they are sometimes oversold. They are not a panacea. There are winners and there are some losers. A trade agreement is nothing more than, nothing less than, a working agreement to try to settle the differences you are going to have with your trading partners and competitors anyway. At least you have some structure there and a rule of law where you can reach a logical conclusion and strike an agreement to have much better trade relations. I know they are overcriticized. If I say they are oversold, they probably are. They are certainly overcriticized.

Federal Reserve Chairman Alan Greenspan recently pointed out:

> It is difficult to find credible evidence that trade has impacted the level of total employment over the long run. Indeed we are currently experiencing the widest trade deficit in history with a level of unemployment close to record lows.

Trade-related jobs pay Americans 15 percent more than the average national wage. Free trade with China will provide unrestricted access to a wider variety of goods and services at lower prices and better quality. The distinguished Senator from Texas certainly gave that example in his remarks. In short, international trade raises real wages with virtually no downside risk to job security.

As a member of the Senate Intelligence Committee and chairman of the Armed Services Subcommittee on Emerging Threats, I have very serious concerns about China emerging as a more significant military threat, especially in the area of thermonuclear weapons and the proliferation of that weaponry. I know it is a problem. It is a very serious problem. It is a national security concern. However, it seems to me that is not a reason to erect a trade barrier, nor is it an excuse to add what I would consider to be an amendment conceived with good intentions but a counterproductive and redundant amendment.

I know the distinguished Senator from Tennessee should be on the floor shortly to offer an amendment or a freestanding bill, or whatever he so chooses, to address the proliferation issue. I share his concern. I share his sense of frustration. Secretary Albright, Secretary of Defense Cohen, and a panel of experts went to China over the break and did not achieve the progress we all wanted to see with regard to their talks with the Chinese, more especially with the Chinese concern over national missile defense. That is a real challenge. That is a problem. That is a national security challenge. It seems to me we don't solve it by putting an amendment on a trade bill. Quite the opposite. Trade has a stabilizing effect on international relations. The more the two nations trade and invest economically in each other, the less likely they are to engage in military conflict.

If we don't trade, if we isolate China, it isn't a question of whether or not they will join the WTO. We will turn a lot of the decisionmaking over to the two military general authors who say by 2020 they hope China will be a superpower equal to that of the United States. I know that is where they want to go. If we are able to establish a better trading relationship and engagement, all those decisions will not then be turned over to the nationalists, the hardliners, and all of the military generals.

Since the Thompson amendment seems to enjoy more than nominal support—and why shouldn't it? The Senator has worked very hard on this particular issue; he is modifying it almost each day to try get more support. I understand the concern and frustration on the part of many Members who want to send a signal to the Chinese. At that point, it seems to me there is some growing support for the amendment. But I would like to highlight the importance of passing H.R. 4444 without amendments.

No matter how politically tempting or national security tempting a particular amendment may be, a vote for an amendment serves ultimately as a vote against PNTR. We have other avenues by which we can safeguard our national security interests. They are well known to all Members of the Senate. I will not go into that. To attach an amendment to this bill would be a grave mistake. I think Senators should consider that accordingly.

My former House colleagues have assured me they will not take another vote on PNTR. I know that assurance or that talk is not taken seriously by some in this body. I can't tell the Senate how serious it really is, but it seems to me when they look me in the eye and say: Senator ROBERTS, if we do this, there will not be a vote in the House, then we will have a trade disaster on our hands. That will be our responsibility. In short, it is now or never for PNTR. And never is not an alternative.

In addition to the proliferation concerns, I also find China's record on human rights and its religious oppression unacceptable. However, history proves the best manner to inspire change is through engagement and trade, not isolation, turning the decisionmaking, again, over to those who are now in favor of the oppression. When Deng Xiaoping took power in 1978, 2 years after Mao's death, he opened China to trade and foreign investment.

And the change in the economy and the human condition in China was dramatic—outstandingly dramatic. China's gross domestic product grew at an average of 9.7 percent a year for almost two decades. That is an incredible growth. Its share of world GDP rose from 5 percent in 1978 to 11.8 percent by 1998, only 2 years ago. Its income per person rose six times as fast as the world average when they opened it up to trade. So you can see what kind of economic opportunity, what kind of economic wherewithal, and what kind of improvement there was in the daily lives and the pocketbooks of each Chinese individual. You can see what happened.

More importantly, 20 percent of the population—200 million people—were lifted above the subsistence line. The most dramatic increase in the standard of living in the history of the world gave the Chinese people the ability to purchase televisions, washing machines and, increasingly, computers and mobile phones with Internet access, to become members of a modern global society, in terms of information and transparency in regard to freedom and economic opportunity.

Above all, the economic changes are quickly and dramatically improving personal freedom for the average Chinese citizen. Despite the Communist Government, millions of Chinese now have access to foreign magazines and newspapers, copiers, satellite TV dishes, and the Internet, where they can learn about capitalism, freedom, and democracy, and it is catching. Internet access, which American companies are quite willing to provide, will only accelerate this process.

Finally, it should be stressed that congressional approval of PNTR for China is not a decision on whether China becomes a member of the World Trade Organization. That is not the case. That is not the issue. China will become a member of that world trade group, hopefully, later this year, regardless of our decision. It means we will be locked out of the trade benefits, the agreements that have been so long pursued. It means the PNTR vote will determine how the United States deals with this huge nation as it becomes a WTO member. That is exceedingly important.

Approval gives Americans entry to Chinese markets and provides an avenue for influence. Disapproval ensures we are shut out while China does business with the rest of the world.

With that in mind, I strongly urge my Senate colleagues to lead America down the engagement path toward prosperity and peace by promptly approving the PNTR legislation, amendment free.

I will repeat the one thing I underscored when I started my remarks. It is basically a test to demonstrate to the rest of the world and to China that diplomacy through commerce is a formula for stability. I believe that. That is what this vote is all about.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. Mr. President, I yield 15 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Kansas controls 8½ minutes at this time.

Mr. SPECTER. Mr. President, this 15 minutes will be on another subject. I have sought recognition to introduce legislation.

The PRESIDING OFFICER. The Senator only has 8½ minutes to yield.

Mr. BYRD. Mr. President, how much time does the Senator want?

Mr. SPECTER. I will need 15 total.

Mr. BYRD. I yield 6½ minutes to the Senator from Pennsylvania, for a total of 15 minutes.

(The remarks of Mr. SPECTER are located in today's RECORD under Morning Business.)

Mr. LEAHY. Mr. President, the Senator from West Virginia has offered an amendment which highlights that China has enormous reserves of coal which that country will in all likelihood rely on greatly to fuel power plants as its economy continues to expand and modernize.

I commend Senator BYRD for his effort to support the transfer of clean coal technologies to China as part of our foreign assistance programs. The coal in the hills and mountains of China has high concentrations of sulfur and mercury. The United States should encourage the use of technologies that will reduce emissions of harmful substances and improve generation efficiency.

While I support the amendment offered by Senator BYRD, I strongly encourage the Administration to also promote the use of renewable energy technologies in China. Coal may be a plentiful resource in China but that country should also utilize other energy technologies to provide power for their growing economy such as wind, solar and biomass. The United States and many European countries have developed low cost power generation technologies in all of these areas of renewable energy. Our foreign policy should vigorously promote these technologies as well as clean coal technology.

The PRESIDING OFFICER. The Senator from West Virginia controls the remaining time on the amendment.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 27 minutes and 9 seconds.

Mr. BYRD. Mr. President, once again, I ask the clerk to read my amendment in the RECORD so it appears once again before the Senate takes a vote.

That time will not be charged to me?

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The legislative clerk read as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

Mr. BYRD. Mr. President, I thank the Chair and I thank the clerk.

In conclusion, Mr. President, this is a pro-business amendment. It is a pro-environment amendment. It is a pro-labor amendment. It is a pro-America amendment. It is a pro-commonsense amendment. The amendment helps businesses to get clean energy technologies into the Chinese market. The amendment helps to clean the water and the air.

I have a book by the distinguished Vice President, Mr. GORE, entitled

''Earth in the Balance.'' This is where we can start to clean up the Earth. This amendment helps to clean the water and the air. It helps to reduce global climate change, and helps America use our resources and would help China to use its resources more efficiently.

Finally, this amendment promotes American-made clean energy technologies that help the U.S. economy. Who can be against that? I haven't heard one word in these 3 hours, not one word, of criticism concerning my amendment. Not one word by way of attacking my amendment on its merits. As a matter of fact, not many Senators—two or three only—have spoken a few short words in opposition to the amendment, but their arguments are not going to the merits of the amendment. As a matter of fact, I believe the Senators who have spoken would probably support this amendment if it were on some other bill.

I have crafted this amendment so that every Senator's interests are represented. Here is one of the cleanest, purest amendments that has ever been read at the desk where the clerk sits. Nobody is opposed to anything that is in the amendment. There hasn't been a word, not a single word spoken against this amendment. So it is a win-win opportunity that we should take advantage of today.

The only problem is that Senators have blinders on. I can remember back in 1947 when the State of West Virginia had 97,600 farms, had 97,000 horses, and 6,000 mules. When farmers use their horses, they put blinders on them. I am sure Senators understand what blinders are. They keep the horses from seeing an automobile and shying away from it, possibly running away, wrecking the wagon or the buggy, and ending up killing the passenger.

Senators who oppose this today say quite openly and frankly that they oppose it because any amendment adopted to this bill might kill the bill. This is not a killer amendment. I know a killer amendment when I see one. This is not a killer amendment. I have no interest in killing this bill by this amendment or any other amendment. I will vote against the bill. But I have not engaged in any dilatory tactics. I haven't engaged in any filibuster. I voted to take up the bill. I am not interested in killing it through dilatory actions. I am interested in improving it. This bill is going to pass the Senate. I read the handwriting on the wall. Belshazzar is not the only person who can see handwriting on the wall. I can read the handwriting on the wall. We have absolutely no chance of killing the bill if that is what we want to do. I prefer to improve it. It could be improved to the point that I would vote for it, but it will pass whether I vote for it or not.

This is no killer amendment. This amendment is a highly beneficial amendment to our own country, to the working people, to the businesspeople of this country, to the environmentalists and to the environment, to industry, to the Chinese. I have gone over that already so I won't repeat it again. It is not a killer amendment. I plead with Senators to take off the blinders on this amendment. Take them off. Take off your blinders, Senators, and smudge that line that has been drawn in the sand. Take a good look at this amendment. That is why I have had it read again, just before voting on it. Take a good look at it. This amendment is no killer amendment. It is a sugar pill, candy-coated peppermint pill. There is no hidden ingredient. There is no arsenic here; no bitter aftertaste. It will not leave halitosis. It is a sugar-coated amendment.

This amendment will help our trading relations with China because it can help to assuage environmental concerns about China's coming rapid growth. It will help China. It will help the business community in our own country because it will encourage and enhance the marketability of clean energy technology in China. God knows they are going to need it. They are going to need it. It will help those businesses employ more people as they develop and sell these new energy technologies. Everybody benefits, everybody. And I believe the amendment would pass the House, if the House were given an opportunity to vote on this amendment.

But the Senators who oppose this amendment do not want that to happen. They don't want the House to have an opportunity to debate this amendment. They don't want the House to vote on this amendment. But it would pass the House, probably with flying colors. It is an opportunity that should not be missed just because some Members have taken what would amount to a blood oath to oppose all amendments—oppose all amendments.

It is a winning horse, a winning horse. You can't do better over at Charles Town at the races, I say to my friend from Delaware. You can't find a better horse over at Charles Town, just 75 miles from here. Go over there and see the winning horses.

But this is a winning horse that I have brought in here today; a winning horse. Look at its teeth, open its mouth—it is a winning horse. It is just waiting, just waiting, waiting patiently, may I say to the Senator from Massachusetts before he egresses from the Chamber, this is a horse that is just waiting to collect the prize. And all we have to do is say, ''giddy-up, giddy-up.'' It is my amendment that I am talking about—a winning horse.

Senators, let this pony run. Don't draw the line in the sand. Don't say no. Don't close one's ears, like Odysseus was told by Circe to put wax in his ears so that he wouldn't hear the singing sirens. Take the wax out of your ears. Let this pony run. I plead with Members to take off the blindfolds and look at this amendment on its many, many merits.

This will not hurt, Senators. Put just one toe, the big toe or the little toe, over that line in the sand that you have drawn. There is an oasis of benefits for everybody on the other side of the line. Take this step, take this brave, single step and cross over into the promised land, freed from the shackles of the oath that binds you.

A poem comes to my mind, written by J.G. Holland.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes 20 seconds.

Mr. BYRD. Fifteen minutes, 20 seconds.

I can't find my poem—ah, my trusty aide has found it. I don't need it anyhow.

God, give us men. A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without winking.
Tall men sun-crowned, who live above the fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo. Freedom weeps,
Wrong rules the land and waiting justice sleeps.
God give us men.
Men who serve not for selfish booty,
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth.
Then wrongs will be redressed and right will rule the earth.
God, give us men.

Mr. President, I yield back my time. I ask unanimous consent that the vote occur, up or down, on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor, and I thank all Senators for listening. And in particular I thank the distinguished manager of the bill, a venerable Senator whom I greatly admire, and with whom I often talk. We engage each other in conversation about our little dogs. He has a little dog. I have a little dog. It recalls to my attention an old song, an old fiddle song:

You better stop kicking my dog around.
Every time I come to town,
The boys start kicking my dog around.
Whether he's a poodle or whether he's a hound,
You better stop kicking my dog around.

That is the way the Senator from Delaware and I feel about it. I treasure his friendship. He has been a fine manager on this bill. But he is wrong in

taking the position that he should vote against my amendment.

I also thank my friend on this side of the aisle, Mr. MOYNIHAN; as always, a gentleman and scholar. I thank him for the way he has conducted himself on this amendment and on other bills.

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. BYRD. Mr. President, I ask unanimous consent that the call for the quorum be dispensed with.

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

Mr. BYRD. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4115. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—32

Bunning	Harkin	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Smith (NH)
Campbell	Inhofe	Snowe
Collins	Jeffords	Specter
Craig	Kennedy	Stevens
Daschle	Kohl	Thompson
Dorgan	Leahy	Thurmond
Edwards	McConnell	Torricelli
Feingold	Mikulski	Wellstone
Gregg	Rockefeller	

NAYS—64

Abraham	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Breaux	Hatch	Robb
Brownback	Hutchinson	Roberts
Bryan	Hutchison	Roth
Chafee, L.	Inouye	Schumer
Cleland	Johnson	Sessions
Cochran	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Crapo	Kyl	Thomas
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Levin	Wyden
Durbin	Lincoln	
Enzi	Lott	

NOT VOTING—4

Akaka	Lieberman
Boxer	Murkowski

The amendment (No. 4115) was rejected.

CHANGE OF VOTE

Mr. DORGAN. Mr. President, on amendment 4115, rollcall vote 235, I vote ''no.'' My intention was to vote ''aye.'' I ask unanimous consent that I be permitted to change my vote which in no way would change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that Senator HOLLINGS be recognized to offer an amendment, that there be 1 hour equally divided in the usual form prior to a vote in relation to the amendment, and that no second-degree amendments be in order prior to a vote on or in relation to the amendment.

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

The Senator from South Carolina.

AMENDMENT NO. 4122

Mr. HOLLINGS. Mr. President, I call up amendment No. 4122 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 4122.

Mr. HOLLINGS. 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 strike the provision terminating the application of chapter 1 of title IV of the Trade Act of 1974 and the effective date provisions, but provide for accession of the People's Republic of China to the World Trade Organization)

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike ''**SEC. 103.**'' and insert ''**SEC. 102.**''.

Mr. HOLLINGS. Mr. President, I am reading the words of art here. That is why I have drawn this particular amendment because I thought there might be a question of germaneness. You cannot tell from reading without reference what exactly this amendment does. But in a line, it does away with the ''P'' of PNTR, the ''permanent'' normal trade relations, so that we can annually, as we have in the past, fulfill the obligation referred to by the distinguished Senator from West Virginia, who knows better than any our Constitution, article I, section 8. I almost have to demonstrate, like my forbearer, L. Mendel Rivers, the distinguished Congressman from Charleston, SC, who used to head up Armed Services. He would bring up the Secretary of Defense. He would say, Robert Strange McNamara, not the President, not the Supreme Court, but the Congress shall raise and support armies.

Similarly, not the President, not the Supreme Court, but the Congress, under article I, section 8, shall regulate foreign commerce. Now word has it the ''Philistines'' got the fix on; we can't regulate anything. As the distinguished Senator pointed out in the previous debate on the amendment, there is no debate. They fix the Finance Committee, and once they—the leadership on both sides—get that, then they see how many votes they need and they wait until now to give us a little time, when we are about to leave for the Presidential campaign in another 3 weeks. You would think we would have a chance to debate and exchange ideas about the significance of a $350 billion to $400 billion trade deficit. But not at all. Nobody to listen or to exchange vows and no debate whatsoever. It is very unfortunate.

PNTR, to bring it right into focus—and the reason we submit this particular amendment has nothing to do with opening up China. They say with this agreement and with going into the World Trade Organization, we are going to open up China. Not at all. We have had an agreement with Japan, and Japan has been in the WTO for 5 years, and it has yet to open up the Japanese market.

PNTR has not a thing to do with jobs in America, either. My friend, the director of the U.S. Chamber of Commerce, Mr. Tom Donahue, says PNTR will create 800,000 jobs. I can show you we will lose at least 800,000, according to the Economic Policy Institute. I will get that particular study later.

When they had the House vote and a headline in the Wall Street Journal, there was a footrace for investment in China. But it's not that we are going to start hiring more in America because we are going to have increased production and increased exports and increased jobs, not at all.

So it is not about exports whatsoever. We have a $70 billion deficit in our balance of trade with China, and I will bet you that it increases. Does anybody want to take on the bet? Name the amount, name the odds; the bet is on.

This deficit is going to increase with or without this particular amendment.

And it has nothing to do with technology. We already have a $3.2 billion deficit in the balance of trade in high-tech with the People's Republic of China that will approximate $5 billion alone just this year.

It has really nothing to do with the environment and labor. I supported strongly the amendment of the Senator from West Virginia. But, mind you me, it took us 200 years and more to get around to the environment, to get around to a safe working place and everything else of that kind.

It has nothing to do with human rights. The first human right is to feed 1.3 billion. The second human right is to house the 1.3 billion. The third human right is to educate. And the fourth human right, of course, is one man/one vote. Many here in the Congress have been touting one man/one vote. Without education, you have total chaos. As a result, you are not going to have a PNTR agreement that will improve human rights. They have used traumatic control. We oppose that; we don't like it. But run a country of 1.3 billion and let demonstrations get out of hand, and you have total chaos and no progress or improvement.

So it is really not about undermining the Communist regime. I have heard that on the floor. On the contrary. The Communist regime is unanimously in favor of PNTR. They know what they are doing. We don't know what we are doing. It is not about China obeying its agreements, it is about the United States enforcing ours.

I don't know where the fanciful thought has come from that somehow we have to continue like this, after 50 years of almost losing our entire manufacturing capacity, whereas Japan—a little country of 126 million—takes on 280 million Americans and almost outmanufactures and outproduces the United States of America. We are losing our economic strength. We are losing our middle class that is the backbone of that economic strength. ''The strength of a democracy is its middle class,'' said Aristotle. We put in yesterday a particular article from Fortune magazine about the disparity between the rich and the poor and how the middle class is disappearing.

This has to do with the United States competing in international trade, the global economy. That is why I put up this amendment, so that we won't get it done in the year 2000. There is too great an interest in the Presidential campaign right now to really get anything accomplished on this important issue. Neither Presidential candidate has really addressed the subject of our trade deficit. They just say it in a Pavlovian fashion: ''I am for free trade.'' Well, free trade is an oxymoron. Trade is something for something. We know it is not free. Otherwise, of course, they hope to have trade without restrictions, without tariffs, without nontariff barriers, and those kinds of things.

As the father of our country said, the way to maintain the peace is to prepare for war. And the way to maintain free trade, rather than preparing for war, is to prepare for the trade war. It means in a sense to begin to compete, raise a barrier, and remove a barrier in China.

Jiang Zemin or Zhu Rongji should run for President. They know how to run the trade policy. They use that rich market of 1.3 billion and say: You can't come in here and sell that Boeing airplane, that 777, unless you make half of it in downtown Shanghai. You can't come in here with that automobile, that Buick, unless you put your research center here in Shanghai. They just told Qualcomm—although Trade Representative Barshefsky said we solved this problem—that there will be no more technology transfers. Hogwash. Tell them to call Qualcomm. They found out they couldn't sell there unless they shared the technology to the Chinese.

So business is business; it is not the Boy Scouts and it doesn't adhere to the golden rule. Incidentally, it is not for profits in the international competition. The global competition is for market share and for jobs. We are losing out in every particular turn.

So since I am a little bit limited in time here this afternoon, I want to correct the Record. I know the distinguished chairman of our Finance Committee will enjoy this, because I could quote myself.

We did this research 15 years ago. We were tired of hearing about Smoot-Hawley, and that the hobgoblins were coming. They really went around yelling ''peril,'' and the Chinese, how we discriminated against them. Then the talk was that Smoot-Hawley would cause a world war; if you do not vote for this we are going to have World War III. I never heard of such nonsense. It is time we jailed that buzzard, Smoot-Hawley. Unfortunately, Ross Perot didn't understand Smoot-Hawley.

Mr. President, I ask unanimous consent to have printed in the RECORD a part of the CONGRESSIONAL RECORD dated September 17, 1985, the text by the former distinguished Senator of Pennsylvania, John Heinz.

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

STATEMENT OF SENATOR JOHN HEINZ, SUBMITTED FOR THE CONGRESSIONAL RECORD, SEPTEMBER 17, 1985

Mr. HEINZ. Mr. President, it gravely concerns me that every time someone in the Administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trade partners with their subsidies, barriers to imports and other unfair practices, others, in the Congress immediately react with speeches on the return of the Smoot-Hawley Tariff Act of 1930, and the dark days of blatant protectionism and depression.

Take, for example, a statement by the Senator from Rhode Island [Mr. Chafee] which appeared in the Record on June 17. Senator Chafee first asserts that an overvalued dollar is primarily responsible for the current trade deficits. Second, he expresses his concern that Congress might enact legislation, like Smoot-Hawley, in order to alleviate our trade problems. Third, he adds that this would have a devastating effect on the U.S. economy, because Smoot-Hawley had a devastating effect on the economy in the 1930's. In fact, Senator Chafee goes so far as to state that ''The Smoot-Hawley Tariff Act * * *, without question, led to the Great Depression.''

Mr. President, despite my admiration for the Senator from Rhode Island, I find myself unable to agree with him on this issue. First, while Senator Chafee is correct in citing the excessive value of the dollar as the main contributing factor to our trade deficit, he fails to mention that underlying the dollar's strength and high interest rates is an enormous budget deficit. Nor does he mention the way market access barriers affect U.S. exports abroad.

This question aside, it seems that for many of us that Smoot-Hawley has become a code word for protectionism and, in turn, a code word for the Depression. Yet when one recalls that Smoot-Hawley was not enacted until more than 8 months after the October 1929 economic collapse, it is hard to conceive how it could have ''led to the Great Depression.'' Indeed, for those of us who sometimes wonder about the ability of Congress to make any changes in our economy, the changes supposedly wrought by this single bill in 1930 appear fantastic.

Historians and Economists, who usually view these things objectively, realize that the truth is a good deal complicated, that the causes of the depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than the article Senator Chafee placed in the record implies. A 1983 study by Donald Bedell publicly explodes the myth of Smoot-Hawley through an economic analysis of the actual tariff increases in the act and their effects in the early years of the depression. The study points out that the increases in question affected only $231 million worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930–32 duty-free imports into the United States fell at almost the same percentage rate as dutiable imports; and that a 13.5-percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, is not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. It made a bad situation worse. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of freed trade. Mr. President, I have placed this study in the record previously. Indeed, the Senator from South Carolina (Mr. HOLLINGS] cited it in his recent appearance before the Finance Committee on Textile Legislation. However, the continuing appearance of these articles erroneously blaming Smoot-Hawley for everything bad that has happened since 1930 dictates bringing it to Senators' attention once again. Sort of a refresher course, if you will. Hopefully, the study will help us to clean up the rhetoric so often associated

with Smoot-Hawley and provide for a more sophisticated and accurate view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or more than 8 months following the 1929 financial collapse. Many observers are tempted simply to repeat ''Free Trade'' economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicions, political or national bias, or ''off-the-cuff'' impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the act did in fact trigger or prolong the great depression of the thirties, that it had nothing to do with the great depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, ''it is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something.''

The facts are that, rightly or wrongly, there were no major Roosevelt administration initiatives regarding foreign trade until well into his administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover administration thought them. However, when all the numbers are examined we believe neither President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the twenties and thirties?

In 1919, 66 percent of U.S. imports were duty free, or $2.9 billion of a total of $4.3 billion. Exports amounted to $5.2 billion in that year making a total trade number of $9.6 billion or about 14 percent of the world's total.

U.S. GROSS NATIONAL PRODUCT, 1929–33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$89.5	$76.3	$56.8	$55.4
U.S. international trade	$9.6	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	9.3	7.6	5.9	5.1	[1] 5.6

[1] Series U., Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same chart I it can be seen that U.S. Imports amounted to $4.3 billion or just slightly above 12 percent of total World Trade. When account is taken of the fact that only 33 percent, or $1.5 billion, of U.S. Imports was in the dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 billion number which is barely 1.5 percent of U.S. GNP and 4 percent of world imports.

What was the impact/ in dollars dutiable imports fell by $462 million, or from $1.5 billion to $1.0 billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50 percent. In any case, the total impact of Smoot/Hawley in 1930 was limited to a ''Damage'' number of $231 million spread over several hundred products and several hundred countries!

A further analysis of imports into the U.S. discloses that all European Countries accounted for 30 percent or $1.3 billion in 1929 divided as follows: U.K. at $330 million or 7½ percent, France at $171 million or 3.9 percent, Germany at $255 million or 5.9 percent, and some 15 other nations accounting for $578 million or 13.1 percent for an average of 1 percent.

These numbers suggest that U.S. Imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29 percent of U.S. Imports divided as follows: China at 3.8 percent, Japan at $432 million and 9.8 percent, and with some 20 other countries sharing in 15 percent or less than 1 percent on average.

Australia's share was 1.3 percent and all African countries sold 2.5 percent of U.S. Imports.

Western Hemisphere countries provided some 37 percent of U.S. Imports with Canada at 11.4 percent, Cuba at 4.7 percent, Mexico at 2.7 percent, Brazil at 4.7 percent and all others accounting for 13.3 percent or about 1 percent each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from $103.4 billion in 1929 to $89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. International Imports of just 0.2 percent of U.S. GNP in 1930 for example (231 million on $14.4 billion) could be viewed as establishing a ''precedent'' for America's trading partners to follow, or represented a ''model'' to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley ''villain'' theory that it set off a ''chain'' reaction around the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of ''shooting oneself in the foot,'' and the facts disclose that World Trade declined by 18 percent by the end of 1930 while U.S. Trade declined by some 10 percent more or 28 percent. U.S. Foreign Trade continued to decline by 10 percent more through 1931, or 53 percent versus 43 percent for World-Wide Trade, but U.S. share of World Trade declined by only 18 percent from 14 percent to 11.3 percent by the end of 1931.

Reference was made earlier to the duty free category of U.S. Imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did dutiable goods through 1931 and beyond: Duty Free Imports declined by 29 percent in 1930 versus 27 percent for dutiable goods, and by the end of 1931 the numbers were 52 percent versus 51 percent respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and International Trade was a victim of the great depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929–1933 is examined and when price behavior world-wide is reviewed, and when particular tariff schedules of manufacturers outline in the Legislation are analyzed.

Before getting to that point another curious aspect of the ''Villian'' theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50–60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the twenties and thirties:

1. The internal trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the general agreement for tariffs and trade (gatt) for example for resolution of disputes. There were no trade ''leaders'' among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the ''economy-critical'' context as currently in the U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. Foreign Trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by ''Caveat Emptor'' and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. Imports where duty free in 1929 and beyond, placed overall international trade for Americans in the twenties and thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the twenties and thirties could no more visualize the world of the Eighties than we in the eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the ''villian'' theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1929 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the reconstruction finance corporation, Federal Home Loan Bank Board, brought in a democrat president with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation a stimulation of business, new labor laws and social security legislation. Beard, Charles and Mary, new Basic History of the United States).

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the most favored nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the twenties and thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used numbers thrown out about Smoot-Hawley's impact by those who believe in the ''villain'' theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	[1] 12.5

[1] Series U. Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot-Hawley was the first ''protectionist'' legislation of the twenties, and the end of 1933 saw an equal drop in trade that Smoot-Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising act on a strictly trade numbers basis. When we examine the role of a world-wide price decline in the trade figures for almost every product made or commodity grown the ''villain'' Smoot-Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading ''system'' paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80 percent compared to world-wide growth of 15 percent. Imports grew by 68 percent and exports climbed by a stunning 93 percent. U.S. GNP by 1939 had developed to $91 billion, to within 88 percent of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. in any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit volume thus emphasizing the decline value. In addition, it must be remembered that as the great depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific schedules, No. 5 which includes sugar, molasses, and manufactures of maple sugar cane, syrups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the ''villain'' theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes wood and manufactures of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothespins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in 1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, cotton manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal. Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with silk manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behavior are relevant.

One is schedule 2 products which include brick and tile. Another is schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the gross private investment number. From $16.2 billion annually in 1929 by 1933 it has fallen by 91% to just $1.4 billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is petroleum products. By 1933 these products had decreased in world price by 82% but Smoot/Hawley had no petroleum schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the tariff act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley ''villain'' theory a formidable challenge to explain the following questions:

1. What was the nature of the ''trigger'' mechanism in the act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the act was only passed in mid-1930? Did the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world-wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just two hundred and thirty one million dollars of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make an affirmative response by the ''Villian'' proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry ''Mea Culpa'' over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the general agreement on tariffs and trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks conferences on monetary policy, the World Bank and various regional development banks, for example, is a record unparalleled in the history of mankind.

But in the twenties and thirties there was no acknowledged leader in international affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it, nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. Mr. President, I had the distinction of working with this tremendous public servant, a brilliant fellow with the best personality. We all loved him. I worked with him on the budget. We even got Sec. 13.301, regarding a lockbox. We already have written in law that you are not to include Social Security in your budget. It is supposed to be in a trust fund. It was signed into law on November 5, 1990, by George Herbert Walker Bush. But they all say: Now I have a lockbox bill. They voted—98 Senators, Senator Heinz, and myself included, back at that particular time. But they don't obey it.

I think the most brilliant of Senators—I have been around 34 years—is our distinguished colleague, the ranking member, PATRICK MOYNIHAN of New York. Sen. MOYNIHAN wrote a very scholarly bill. I don't disparage at all. I lost a lot of valuables during a fire at my home. One was a collection of his books, which has now been replaced. He is a brilliant author, a most interesting writer, and a tremendous authority. But on this particular score, he is incorrect. The outcome of this vote won't threaten any world war, or anything else like that.

It is very important to realize that the crash came in October 1929, and Smoot-Hawley did not occur until June of 1930—8 months after the crash. And furthermore, back in 1929 and 1930, international trade to the United States economy was only 1.5 percent of the GNP. So Smoot-Hawley could not have caused the crash, which has been contended on the floor of the Senate.

And, No. 2, it had no far-reaching effects. In fact, it was hardly mentioned by either President Hoover, or then-candidate Franklin Delano Roosevelt, or President Roosevelt after he took office because there were other things to be disturbed about. The adverse effects of Smoot-Hawley paled in comparison to the problems facing the United States at that time.

I quote:

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 million spread over the great array of imported products which were dutiable in 1929 could not realistically have any measurable impact on America's trading partners.

$231 million—here we are talking about a $350 billion to a $400 billion deficit. This is the overall trade figure of $231 million.

I read further:

Meanwhile, the gross national product (GNP) in the United States had dropped an unprecedented 13.5 percent in 1930 alone, from $103.4 billion in 1929 to $89 billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 0.2 percent of U.S. GNP in 1930 for example ($231 million on $14.4 billion) could be viewed as establishing a ''precedent'' for America's trading partners to follow, or represented a ''model'' to follow.

Even more to the point an impact of just 0.2 percent could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

I read and skip over because it is too long under the limited time to read the report in its entirety. But I quote this part.

1. The international trading system of the twenties bears no relation to the interdependent world of the eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade ''leaders'' among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the ''economy-critical'' context as currently in the U.S. as indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the eighties; characterized largely then by ''Caveat Emptor'' and a broadly laissez-faire philosophy generally unacceptable presently.

That brings it into sharp focus, because you have heard again and again that Smoot-Hawley started a trade war, that collapsed economies brought on the Depression and started World War II. They say if we don't vote for PNTR, it will cause World War III. They are bringing out all of these bogeymen. There is no merit in this.

Again, the Constitution, article I, section 8, says the Congress shall regulate and control foreign trade.

We are listening to the White House and the fix that is on, and they said, permanently abandon, amend the Constitution if you please, disregard this

fundamental, and let us handle it because the White House father knows best. They bring out that white tent, and they all run around. They are mostly your friends, Senator ROTH. You know them well. And they are for profits. They don't have a country.

Listen to what Boeing says: I am not an American corporation, I am an international company.

Listen to the chairman of the board of Caterpillar: I am an international corporation.

They are companies without any country. They could care less about you, and I have to give every care. You and I are responsible for the regulation of foreign trade, and we ought not vote against it this afternoon by voting down this amendment on the premise of no amendments, no amendments, no amendments. If we have amendments, the House would then have a chance to look at it and realize that permanent trade relations with China abrogates the responsibility of Congress under the Constitution.

Reading on, there are a couple more quotes in the limited time.

In the concluding comments by Senator Heinz at that time:

> The attempt to assign responsibility to the U.S. in the thirties for passing the Smoot/Hawley Tariff Act and thus set off a chain reaction of international depression and war is, on the basis of a preponderance of fact, a serious misreading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.
>
> It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all of those responsible for developing new and imaginative measures designed to liberalize international trade.
>
> Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.
>
> Nothing is less worthwhile than attempting to rewrite history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope it may lead to an improved and liberalized international trading system.

Senator John Heinz of Pennsylvania said that 15 years ago, almost to the day, September 1985. Those observations that our distinguished colleague made are just as true today.

Under the Constitution there is a fundamental responsibility that Congress regulates foreign commerce, but the Finance Committee and the administration with its fixed votes says: No, give it up. When I say ''fixed votes,'' I wish I had the New York Times article. I wish I had the Washington Post article. There were followup articles to the vote on NAFTA, the North American Free Trade Agreement with Mexico, and in that, distinguished Chairman ROTH, it was revealed that they gave our friend, Jake Pickle, a cultural center, they gave another Congressman two C–17s, and another a round of golf in California with the President—just to get their vote. They went around to fix, nothing to do with trade, and once the fix is on, you come out on the floor and say: Vote if you please to abandon your constitutional responsibility.

My amendment says: No, let's have trade with China. That is obviously going to occur. We live in the real world. These embargoes don't work. Forget about the embargoes. You cannot stop trade and grind the economy to a halt, the world economy to a halt, as they alleged Smoot-Hawley did. It will never happen.

It is not about starting a trade war and having an embargo. It is about enforcing our dumping laws—we could start by consolidating the enforcement efforts—and realizing that the industrial worker of the United States of America is the most competitive in the world. The thing that is not competing is the Congress of the United States.

We are about to vote. They say this amendment, too, will be voted down. We are about to vote down our responsibility to one of the most important issues that possibly could confront us. Alan Greenspan says the only bad effect on the economy is the $350 billion trade deficit.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 3017 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the pending amendment is the Hollings amendment, which takes the ''P'' out of PNTR; that is, as I understand the amendment, it provides for an annual review of normal trade relations status.

Mr. HOLLINGS. Right.

Mr. BAUCUS. I oppose that amendment, and I urge my colleagues to do so, for a very simple reason. That is, if that amendment were agreed to and were to become part of the normal trading relations status with China, we automatically as Americans would be shooting ourselves in the foot, to say the least.

Why do I say that? As the world becomes more complicated, more complex, we hear about globalism, trade agreements, taxation or nontaxation of products over the Internet, and whatnot. Unfortunately, we have to rise to a higher level of more sophistication and learning and know what is going on with these arrangements and agreements so that we Americans are in a better economic condition.

It is difficult, but we have no choice with all the economic pressures that are advancing our world so quickly. The provisions of the World Trade Organization, I believe, very much help raise our economic standards. They are not perfect, but perfection cannot be the enemy of the good. If there were no WTO, it would be an economic free-for-all. Various countries would be doing their own deals at the expense of others, and it would be chaos. It would be a mess. At least the World Trade Organization is a vehicle, a forum, a mechanism, a way to get some civility, some process into trade matters and trade disputes that occur in this world.

One of the basic principles of the World Trade Organization is nondiscrimination and unconditionality. It is written in article 1 of the WTO. That means when a country grants trade concessions to another, it must do so unconditionally and on a nondiscriminatory basis so the same benefits, same provisions apply to all countries in the world. Otherwise, it is obvious if one country had certain trade agreements with one country and gave certain benefits to one and not another, there would be chaos. Article 1 of the WTO articles provides for nondiscrimination and unconditionality with respect to trade agreements and membership in the WTO.

The amendment before us is discriminatory and it is conditional by not making it permanent normal trade relations status but annual. That flatly violates article 1 of the WTO. As a consequence, if this amendment is adopted, we Americans could be giving up all the market-opening benefits to which China has agreed. That is, China would have no obligation to grant America those concessions, and they are major, whether it is auto tariffs or tariffs on other products. China is dramatically lowering tariffs.

China would also say: We Chinese agree to let you Americans set up your own distribution systems; you do not have to deal through Chinese companies anymore. The list is mind-boggling. It is amazing how much China has agreed to open up and to take American products that we have been trying to export to China that, frankly, have not been exported or significantly diverted because of current Chinese barriers.

My colleagues are going to hear the argument: This agreement is going to help Americans invest in China, and that takes away American jobs. Companies in America and around the world are already investing in China. It is happening today.

The agreement with China says: OK, there can be a lot less pressure on companies to build factories in China and make it more easy for American companies to ship products to China because China is dramatically reducing its barriers.

If this amendment is adopted, as I mentioned, China will be under no obligation to give us those breaks as we try to ship products to China. China will have no obligation to lower trade barriers that China has negotiated with the United States. However, China will be obligated to give those benefits and breaks to our competitors—to Japan, to the European Union—because they have entered WTO properly under the conditions of unconditionality and nondiscrimination. We have complied with article 1.

We have heard a lot of facts and figures about a lot of different issues, but the heart of this amendment is to take away the permanent nature of normal trade relations with China that we will be granting, and that means it is conditional, it is discriminatory and flatly violates article 1 of the WTO and, therefore, is a killer amendment, an anti-American amendment. It is anti-American because all other countries get benefits, and it is a killer because it means we will not get the benefits of China opening up to American exports.

Let me cite one of America's foremost experts on the GATT and the WTO, Professor John Jackson, Georgetown University Law Center:

> The United States must extend permanent, unconditional MFN treatment to the PRC for the US to comply with US WTO obligations, unless the US invokes the ''opt-out'' provisions of the WTO.

Our own Congressional Research Service has concluded:

> In order to make US law consistent with WTO obligations, Congress would need to remove the PRC from the Title IV regime (i.e., Jackson-Vanik) . . . The Title IV regime is inconsistent with MFN obligations when applied to a WTO member . . . because of the conditions that it attaches to the grant of nondiscriminatory treatment to that country's goods.

Let me respond to the criticism that we get nothing out of PNTR in terms of US trade benefits.

The fact is that granting China PNTR will bring a significant drop in Chinese tariffs. That will reduce the pressure many companies feel to invest in China in order to do business there. Our information technology products—computers, fiber optics, and telecommunications equipment—will see tariffs in China go to zero by 2004. Auto parts tariffs will average only ten percent by 2006.

When you add these significant tariff reductions to the new ability that American firms will have to import directly into China, control their own distribution and service networks, and own advertising firms, export of our goods and services will increase substantially.

Yes, American companies will continue to invest in China. But their ability also to export will be enhanced significantly by PNTR. Failure to grant China PNTR will allow our Japanese and European competitors to export more, but not our workers and our farmers.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to yield time to the distinguished Senator from Oklahoma or I will ask unanimous consent that he be permitted such time as is necessary. He wanted to speak on this. I did not realize that. I want to have a few minutes left.

I want to comment on the remarks of the distinguished Senator from Montana. All these wonderful benefits—he has not read the GAO report. Everything is indeterminate. This is the most flexible agreement ever made. We made one with Japan and we have not penetrated that market. We made one with Korea and we have not penetrated that one, either.

All these benefits—I do not know if a $68 billion deficit is a benefit. Heavens above, we have to stop this somehow. Paraphrasing Abraham Lincoln: We have to think anew, act anew, and work together, we might get a plus balance of trade.

The distinguished Senator is saying if you vote for this amendment, you are violating article 1 of the WTO. I say if you vote against it, you are violating article I, section 8 of the U.S. Constitution, abdicating our responsibility to regulate foreign commerce. We cannot make an agreement with the WTO to disband and dispel that particular obligation and responsibility.

I do not understand that at all. That is a narrow analysis if I ever saw one, that somehow the WTO is a wonderful thing. In fact, we are getting all kinds of requests to get out of it on account of the foreign credit sales given American corporations in their exports overseas. I will get into that later on, perhaps next week.

We have received a number of those requests. We are losing, I say to the distinguished Senator. The only reason for this amendment is to say: Wait a minute, let's have trade with China; go ahead with the WTO. Let's just take the ''P'' out of PNTR. The Senator from Montana said on the floor and Senator MOYNIHAN said on the floor, irrespective of this bill, China will become a member of the WTO—and we are a member of the WTO, so why are they so worried about this amendment?

We are not violating anything by voting for this amendment, but my colleagues will violate article I, section 8 of the Constitution and our responsibilities under the Constitution if they vote against it.

I have used the remaining time I had, I believe. I thank the distinguished Chair. I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may utilize.

I rise in opposition to the amendment offered by my distinguished colleague from South Carolina, and I disagree with my colleague that supporters of normalizing trade have no merit to their argument. The economic benefits of China's accession are unassailable.

According to independent economic analysis, China's market access commitments will mean an additional $13 billion in U.S. exports annually. Our current exports to China are $14 billion a year, which means the deal so ably negotiated by Ambassador Barshefsky will effectively double annual U.S. exports to China.

Doubling our exports to China holds benefits for every sector of the U.S. economy from agriculture to manufacturing to services. It also provides significant benefits for American workers.

The one step that we must take to ensure that American farmers, American workers, and American businesses reap the benefits of an agreement that three Presidents took 13 years to squeeze out of the Chinese. That step is to normalize our trade relations with China.

What that means in practical terms is an end to the unproductive annual review of China's trade status. That is what H.R. 4444 does—it eliminates the annual review that has provided no leverage over Chinese behavior.

My distinguished colleague's amendment would gut the House bill by once again requiring this unproductive annual review of China's trade status. The amendment would deny the benefits of China's WTO accession to our farmers, to our workers, and to our businesses.

Why is that? It is because the annual vote on China's trade status would violate our own obligations under the WTO, as was so effectively pointed out by the Senator from Montana, and allow the Chinese to deny our exporters access to their markets. That access would go, instead, to our European, Japanese, and other competitors.

My colleague from South Carolina has said that the Japanese know how to run their trade policy. Let me say that if we deny the benefits of this deal to our exporters, we will have given the Japanese a trade policy gift that I am certain they would never have guessed we would have been foolish enough to forego.

And, for what? How will denying our exports to China give us any leverage over Chinese behavior? Why would we suppose that cutting off our exports to China would do anything to influence China's policies, whether on Taiwan, on weapons proliferation, on human rights, or on labor rights?

No. What we get in return for foregoing the benefits of this deal is the prospect of returning to the same unproductive annual debate we hold on

China's trade status. It should be obvious to all, based on the arguments we have heard today about Chinese behavior, that the annual debate simply has not worked. It is time to take a different approach.

The bottom line is that we have precious little to lose in ending the annual renewal process and much, much to gain by enacting PNTR.

That is why I oppose the amendment offered by my distinguished colleague and urge this body to oppose it as well.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I oppose amendment No. 4122, which calls for annual trade reviews with China, offered by the distinguished junior Senator from South Carolina on H.R. 4444, Permanent Normal Trade Relations with China.

This amendment, if passed as part of the China PNTR bill, would be tantamount to unilaterally establishing special conditions on China's membership in the WTO, a violation of World Trade Organization precepts the United States, as a member, commits to follow.

In such a case, China would be legitimately entitled to deny American workers, entrepreneurs, investors—in short, our Nation—the benefits of open access to China's markets and the privileges of important WTO-related agreements, such as the International Telecommunications Agreement, conferred by WTO membership.

I am also convinced that amendments at this stage create a procedural problem that could derail passage of this extremely important bill. Adopting any amendments at this stage would require sending this bill to conference. It is clear to me that we do not have the time remaining in this Congress to resolve a bicameral conflict over this bill. I believe it is crucial that we let nothing interfere with what may be the most important decision concerning China for years to come.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I think the Senator, the chairman of our committee, has spoken so well and effectively; the Senator from Montana equally so. I believe this debate has been thorough. We respect our friend from South Carolina. We know his views. We do not share them in this case.

So much is at issue. Let us go forward and vote and get on with this matter.

Mr. ROTH. Is there any time remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes.

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina has 38 seconds.

Mr. HOLLINGS. Mr. President, I yield back the 38 seconds.

The PRESIDING OFFICER. The Senator yields back the time.

The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 4122.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''no.''

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

The result was announced—yeas 13, nays 81, as follows:

(Rollcall Vote No. 236 Leg.)

YEAS—13

Bunning	Hollings	Smith (NH)
Byrd	Hutchinson	Specter
Campbell	Inhofe	Wellstone
Feingold	Mikulski	
Helms	Sarbanes	

NAYS—81

Abraham	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Burns	Hutchison	Roth
Chafee, L.	Inouye	Santorum
Cleland	Jeffords	Schumer
Cochran	Johnson	Sessions
Collins	Kennedy	Shelby
Conrad	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lincoln	Warner
Edwards	Lott	Wyden

NOT VOTING—6

Akaka	Feinstein	McCain
Boxer	Lieberman	Murkowski

The amendment (No. 4122) was rejected.

Mr. MOYNIHAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, if I could speak briefly about the schedule, I have been talking with Senator REID and Senator DASCHLE and the managers of this legislation. We are making progress on the amendments. We have had a good debate throughout the week. We are going to keep pushing ahead until we get through the amendments. I had committed not to file cloture before next Tuesday, but it would be my intention to file cloture next Tuesday, if necessary, to get this legislation completed. I think everybody is working hard and doing a good job.

Tonight, at 6 o'clock we will go back to the energy and water appropriations bill. I know Senator DOMENICI and Senator REID are prepared to work on that tonight. Our intent is to push ahead. Hopefully, we will get Senators' amendments considered and disposed of quickly. The intent is to stay and get it done tonight. I believe Senator DOMENICI and Senator REID have indicated that is what they intend to do and we will certainly support their efforts.

I ask unanimous consent that following the vote in relation to the Hollings amendment, Senator SMITH of New Hampshire be recognized to offer his amendment to H.R. 4444, and at 6 o'clock p.m. the amendment be immediately laid aside and the Senate resume consideration of H.R. 4733, the energy and water appropriations bill under the previous order.

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

Mr. LOTT. Mr. President, I have a couple of unanimous consent requests that I will offer at this time and hopefully it will not take too long to consider these and we can go ahead and stay on schedule.

I ask unanimous consent that no later than the close of business on Tuesday, September 26, the majority leader be recognized to turn to calendar 527, which is S. 2340, regarding the Amateur Sports Integrity Act, and immediately following the reporting by the clerk, the committee amendments be immediately agreed to, and the majority leader then be recognized to send a cloture motion to the desk to the bill.

Under rule XXII, the cloture vote would occur 1 hour after the Senate convenes following the ascertainment of a quorum on Thursday, September 28.

I also ask consent that notwithstanding rule XXII, if the cloture is invoked, the bill be considered under the following agreement: That there be 2 hours for debate on the bill to be equally divided in the usual form; that there be up to two relevant amendments in order for Senator REID of Nevada and Senator BROWNBACK of Kansas or their designees, that they be subject to relevant second-degree amendments; that no motions to recommit or commit be in order.

I further ask consent that following the disposition of the above-listed

amendments, and the use or yielding back of time, the bill be advanced to third reading and passage occur, all without intervening action or debate.

Mr. REID. Reserving the right to object, efforts to force this body to consider a questionable proposal, which is a ban on legal gambling on college games, shows a fundamental misunderstanding, in this Senator's view.

At this stage, we have about 18 or 19 days left in this congressional session. We have 11 appropriations bills that must pass the Senate. We have all the fundamental conference reports that must be held. There is a hue and cry about doing something about a real Patients' Bill of Rights. There is a need to do something about minimum wage. We have all kinds of problems with education. As we speak, today, 3,000 children dropped out of high school in America, and we are not spending any time on that. We need prescription drug coverage, Medicare. There are so many fundamental issues that we need to work on and there is not a hue and cry out there that we need to take the next 19 days and spend 1 minute talking about banning something that is legal in America; that is, betting on college games.

Remember, if we were serious about doing something about betting on college games, we would go after the 98.5 percent of illegal betting that goes on in college games. Only a percent and a half goes on in college games, and that is legal in the State of Nevada.

With just a few weeks to go in Congress, it is incredulous we would be asked to waste time debating the merits of banning legalized wagering on college games.

Therefore, Mr. President, with great underscoring, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, I believe there was an objection heard.

I ask consent that the Senator from Kansas be recognized for 1 minute so he can respond on this issue, since it is an issue in which he has been very much involved.

Mr. BRYAN. I request to be included for an additional minute.

Mr. LOTT. I amend my request for that.

Mr. SMITH of New Hampshire. Reserving the right to object, the vote went longer than anticipated. I was looking only for 5 or 10 minutes to present my amendments.

Mr. LOTT. We have the Senator locked in.

We will delay. Let me just ask unanimous consent, then, that we delay going on the energy and water bill for 10 minutes. It will be 10 after 6. Is that the correct time?

Mr. SMITH of New Hampshire. I thank the leader.

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

Is there objection to the majority leader's underlying request?

Mr. DOMENICI. Does that mean we will be on the floor at——

Mr. LOTT. It will be 10 after 6.

The PRESIDING OFFICER. Is there objection to the underlying unanimous consent request? Without objection, the Senator from Kansas is recognized for 1 minute, after which the Senator from Nevada will be recognized for 1 minute.

Mr. BROWNBACK. Mr. President, Senator MCCAIN and I are bringing this bill forward. I think the majority leader has proposed 2 hours of debate. I am willing to do that at any time, any place. We would do it now here on the floor, but we can go to the middle of the night if people would like to. This has cleared the Commerce Committee; 14–2 was the vote when this cleared through.

There is a hue and cry across the country. Virtually every college in America has asked for this legislation because they are having problems on their college campuses dealing with betting on their athletes. This is affecting the moral values. It is giving a black eye to our college campuses. There is one place in the country that this goes on legally. It is in Nevada. It is a loophole that has been there, and it is time for us to deal with it. We only need 2 hours to deal with it. I think we can take care of this within the timeframe that is left. I applaud the leader and hope we can get to this yet during this session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, this legislation would plunge the dagger into the back of Nevada's principal industry and would accomplish no useful purpose. Ninety-eight percent of the sports betting in America is conducted illegally outside of the State of Nevada. There is no logical way in which you can conclude that by eliminating sports betting that occurs in my own State, that is licensed, that is regulated—you have to be 21 years of age—you address a legitimate problem, which is illegal gambling on college campuses.

It is misdirected, it is ill-conceived, and it would be the dream of every illegal bookie in America if this legislation passes. I am pleased to join with my colleague in objecting to this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have another unanimous consent request.

First, let me say there has been a lot of discussion about the support and the need for a lockbox on Social Security and Medicare. I certainly agree. We have tried to get that put in place in the Senate. We have not been successful. So I am going to ask consent that we get an agreement to do that.

I remind my colleagues, it was passed in the House overwhelmingly, 46–12, to do that with regard to Social Security and Medicare. We have attempted to do it. We tried to invoke cloture in June of 1999, which failed basically along party lines. I think maybe there has been a lot of movement in this direction, so I think we ought to try to set this up before we go out.

I ask unanimous consent it be in order for the majority leader, after notification of the minority leader, to turn to Calendar No. 152, H.R. 1259, regarding the Social Security and Medicare lockbox, and following the reporting of the bill by the clerk, all remaining amendments to the bill be germane to the subject contained in H.R. 1259.

The PRESIDING OFFICER. Is there objection?

The Democrat leader.

Mr. DASCHLE. Reserving the right to object, let me say for the record, the majority leader has, as he has indicated, offered the lockbox legislation on two separate occasions. I might remind my colleagues that on both occasions he filed cloture immediately, denying the minority any opportunity to offer amendments.

I ask unanimous consent, and ask the majority leader's support, for an alternative approach which would be that we offer Medicare/Social Security lockbox amendments in addition to a prescription drug benefit amendment to be offered in the context of this lockbox. I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. But I hope the minority leader would consider working together to see if we could get a vote on the Social Security/Medicare lockbox itself. Perhaps he would like to have an alternative proposal in that area. I think we can work it out where there would be alternative proposals on Social Security/Medicare lockbox, if you have a different idea about how to do it. I don't think we ought to get into other issues at this point.

Let's make it clear whether we want to have the Social Security/Medicare lockbox or not. I would be glad to talk with the Democratic leader about seeing if we can at least set it up. There will be other bills where I am sure the prescription drug matter is going to come up, is going to be debated, and it is going to be voted on.

There is a lot of talk out across the land about the lockbox and how there is one or should be one. I think we ought to go ahead and complete that action, and I will work with the Senator on that.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Let me respond to the majority leader again to suggest, as I have on many occasions, that we can find a way, perhaps, to address this issue. We certainly have a lot of ideas. I do not want to preclude ideas articulated and offered by my colleagues. I would be more than happy to work with him. As he has indicated, there is a good deal of interest on Social Security and Medicare lockboxes and perhaps we can find a procedural way to address them even in the short time that remains in this session.

Mr. DORGAN. Will the minority leader yield for a moment? I would like to say I am very interested in the lockbox. I am also interested in making sure there is something in the box before it is locked. We have $1.3 trillion in tax cut proposals around here for surpluses that don't yet exist. So when these are offered, I think some of us would like the opportunity to offer amendments. That is the point the Senator from South Dakota makes, and a very appropriate point.

Mr. DASCHLE. I thank the Senator from North Dakota. That is our concern. If we are going to have a debate, we need to have a debate about these issues that afford Senators the right to offer amendments. But again, I reiterate my desire to discuss it with the majority leader.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor, to be followed by the Senator from New Hampshire.

Mr. LOTT. If I do have the floor, I yield to Senator DOMENICI.

Mr. DOMENICI. I say to my good friends on the other side of the aisle, the Vice President, as your candidate, plans to spend $2.6 trillion of this surplus on new programs. That is what we are worried about. So we both have some worries about what is going to be left in the lockbox—whether we are going to spend it on taxes or whether you are going to spend it on an infinite number of new programs. I yield the floor.

Mr. LOTT. Mr. President, in view of the time that we have taken, I ask unanimous consent the time before we go to energy and water be extended to 6:15 so Senator SMITH can offer his amendments and lay them aside as he had been promised he would be able to do.

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

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the majority leader for his consideration and also thank Senator DOMENICI as well. I do not want to hold the Senate up from moving to the appropriations bill.

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 4129.

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

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

(The amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SMITH of New Hampshire. Mr. President, I ask the amendment that I sent to the desk be divided into six categories in the manner in which I now send to the desk.

The PRESIDING OFFICER. The amendment is so divided.

The amendment, as divided, is as follows:

(Purpose: To require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting, and for other purposes)

On page 46, between lines 3 and 4, insert the following:

Division I

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, proposed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

Division II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.—

(1) REQUIREMENT.—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) COOPERATION.—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) ANNUAL REPORTS ON MONITORING.—

(1) REQUIREMENT.—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) REPORT ELEMENTS.—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States companies and People's Liberation Army companies.

(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) PEOPLE'S LIBERATION ARMY COMPANY.—The term ''People's Liberation Army company'' means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) ORGANIZED UNDER THE LAWS OF THE UNITED STATES.—The term ''organized under the laws of the United States'' means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) UNITED STATES COMPANY.—The term ''United States company'' means a corporation, partnership, or other business association organized under the laws of the United States.

Division III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) IN GENERAL.—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies; land, sea, and air forces and

(C) threaten the United States and its allies; military, civil, and commercial space assets of

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

Division IV

SEC. 302D. MONITORING AND REPORTING ON COOPERATION ON ENVIRONMENTAL PROTECTION.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as comprehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

Division V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) MONITORING.—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

Division VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) MONITORING.—The Commission shall monitor the actions of the Government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

Mr. SMITH of New Hampshire. Mr. President, I realize we are in a tight time situation so I will be brief in explaining my situation because I have to be brief in explaining it.

This amendment proposes a number of commonsense additions. These all amend the section of the bill that creates a commission which is to monitor and report on Chinese activities.

The six subjects I am urging we include are very reasonable. I am amazed, really, they have not already been included in the commission's reporting responsibilities. Let me just list and give a brief line or two on each one.

The first division or item is monitoring and reporting on Chinese cooperation on POW and MIA issues. We all know that the Chinese Government possesses information about Americans who are missing from the Korean war—and perhaps even the Vietnam war, but certainly the Korean war; maybe World War II—which could bring closure to literally thousands of families. Yet this Government, the Chinese Government, has refused to provide us even basic information. In fact, it denies it even possesses this information when we know they do. So this amendment would merely let the American people know in an objective manner on this commission the extent to which the Chinese are not cooperating on this humanitarian issue.

The second item is monitoring and reporting on commercial activities between the United States and the People's Liberation Army. Currently, the

Chinese People's Liberation Army directly or indirectly owns scores of businesses. They conduct commerce with U.S. companies. That includes the sale of products to U.S. consumers. So this amendment would simply require the FBI to monitor and report to Congress on the activities of the PLA's, the People's Liberation Army's, businesses here in the United States. Specifically, they would take data collected by the DIA, CIA, customs, and other agencies and report their findings to Congress on the dollar amount of PLA revenues and where these revenues are being directed within the Chinese military. This report will also monitor any technology transfers between PLA companies and U.S. companies, including an assessment of the impact upon the U.S. military, U.S. interests, and our allies. That is all it does. I think it is a very reasonable amendment and should be approved by the Senate.

The third item in the division is monitoring and reporting on development of Chinese space capabilities. We know the world has observed our military space advantage and has taken steps to acquire their own military space systems to counter ours. In particular, we have observed the Chinese are developing military space capabilities that could threaten the United States and threaten our allies' military, civilian, and commercial systems. Free and open trade, and the reduced vigilance free trade fosters, will facilitate the development and proliferation of space technology needed to expand Chinese space capabilities. This commission would monitor this activity and report on it so we would have good information as to exactly what was going on in that regard.

The fourth item is monitoring and reporting on the cooperation on environmental protection. Our Nation has some of the strongest environmental laws in the world. Yet Chinese companies can operate with lower costs and compete with U.S. companies because they do not have to comply with the same requirements that U.S. companies do.

If we are going to give permanent trade status to the country of China, then why not make them play by the same rules U.S. companies do? If you wonder why they can sell their clothes and other products over here so cheaply, that is one of the reasons they compete with us and can pay such low labor costs. They do not have to abide by the same regulations.

This amendment simply monitors the extent to which China is enforcing their own environmental regulations. We cannot dictate how they do that—they are their own nation—but we can monitor it and we can let the American people know that we are, by passing PNTR, saying we are going to ignore their environmental infractions and we are going to enforce ours. I think we ought to have that as part of this agreement.

The fifth division is monitoring and reporting on conditions relating to orphans and orphanages in China and the extent to which they are providing access to U.S. and international adoption agencies. Every year, untold numbers of Chinese baby boys and girls with special needs are left at state-run orphanages in horrible situations. Throughout the nineties, several human rights organizations revealed deplorable conditions and inhuman treatment. The death rates for these children are oftentimes astronomical. They are left to die of starvation. When we give all this wonderful treatment to the country of China, I hope we think about that and see if we have any concerns about these human rights violations.

My amendment would simply monitor and encourage China to determine that the quality and care of its orphans is improving by providing specific data on the survival rates of these children. Isn't that the least we can do if we are going to trade with them and help them? Why not help the children in China who are stuck in these orphanages.

Finally, No. 6, monitoring and reporting on organ harvesting and transplanting in the People's Republic of China. One of the most despicable, horrible acts of any nation in the world—and I cannot understand why we would look the other way and not even report and let the American people and the world know what they are doing. This amendment would task a commission with monitoring this barbaric and inhuman practice of literally taking organs involuntarily from executed prisoners. They are not prisoners executed and then having their organs taken after execution, they are executed in order to get the organs, so we understand what this is. We would require a report on the actions taken by the PRC to end organ harvesting.

In conclusion, this is a good amendment. There are six divisions. They are good divisions. I say to my colleagues who say we cannot amend this because it is going to mess up the whole PNTR issue, this is not messing up anything. This commission is going to monitor these six areas that are, for the most part, outrages really that the Chinese are allowed to get away with.

I urge the adoption of this amendment at the appropriate time. I thank my colleagues, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:15 p.m. having arrived, the Senate will now proceed to the consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are working on perhaps as many as 50 or 60 amendments trying to get them narrowed down to a very few contentious issues. On behalf of Senator REID, I think we can say we intend to finish tonight. We can try. I do not know how many votes we will have. In the meantime, we are still busy putting some language together.

Senator HUTCHISON has asked that I yield 10 minutes to her. I will speak for 1 minute of her time, and I think Senator DODD is going to use a couple minutes.

I ask unanimous consent that 10 minutes be set aside at this point for Senator HUTCHISON to talk about a bill she is introducing.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DODD, and Mr. DOMENICI pertaining to the introduction of S. 3021 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I note the presence on the floor of the distinguished Senator from Nevada, Mr. REID.

Might I make a parliamentary inquiry?

We now are on the energy and water appropriations bill; is that correct, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. There is no time scheduled for its adoption or for termination of debate on the floor?

The PRESIDING OFFICER. There has been no time agreement.

Mr. DOMENICI. I say to Senators, I have talked with the majority leader, and I have talked to Senator HARKIN. Even though there is a very large number of amendments, we are trying to finish tonight. We have arranged to get started with two amendments. We are going to accept one; and one is going to require a vote. Then, when we finish debating those—we might have to put off the vote, I say to Senator DURBIN, for a little while while we work out all these amendments. But we will eventually, at some point, have a vote on Senator DURBIN's amendment before we finish this bill.

We are going to listen for 10, 15 minutes to Senator HARKIN's concerns about the NIF project at Lawrence Livermore. Senator REID and I have

agreed we will accept his amendment tonight and proceed after that to debate Senator DURBIN's amendment.

I say to Senator DURBIN, a Senator who is opposed to his amendment will arrive soon. I assume we will have a time agreement, if it is satisfactory to Senator BOND.

Can we do that right now?

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Sure.

Mr. REID. I underline what the Senator from New Mexico has said. My friend from Illinois has three amendments he has filed. It is my understanding that he is going to offer one of those; and if there would be an up-or-down vote on that, he would withdraw two of the amendments—and not only an up-or-down vote but no second-degree amendments.

So the Senator from Illinois would agree—if I could have the attention of the Senator from New Mexico for just a minute. The Senator from Illinois would agree to 30 minutes equally divided, with a vote, with no second-degree amendments. That is my understanding, that we would have a vote on that at some time before final passage later tonight.

Mr. DOMENICI. I say to the Senator, I wonder if he would agree to 20 minutes equally divided?

Mr. DURBIN. I will be prepared to withdraw two of the three amendments. I will be prepared to limit my debate to no more than 10 minutes on my side, if we can agree also that it be an up-or-down vote on the amendment, as offered.

Mr. DOMENICI. We will have an up-or-down vote. We checked that with the opposition. It is not me agreeing. He wants to agree to that. So when he arrives, there will be 10 minutes on a side. I say to the Senator, you will agree to withdraw your other two amendments and proceed with the amendment with reference to the Missouri River that we have seen?

Mr. DURBIN. I will be happy to.

Mr. DOMENICI. Can we get an agreement with Senator HARKIN?

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

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I wonder if the Senator would let me have a minute?

Mr. HARKIN. Yes.

Mr. DOMENICI. I say to Senator DURBIN—I just got word—I hear Senator BOND is en route and that he did not say that he would agree to no amendments. I think he will when he gets to the floor, but I just want to make clear I probably overspoke. I thought he had said that.

Can we just wait for him to arrive?

Mr. DURBIN. I say to my friend, we will revisit it when he is on the floor.

Mr. DOMENICI. How much time does the Senator want on his amendment?

Mr. HARKIN. If I may have 15 minutes, that would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa has 15 minutes.

The clerk has yet to report the amendment. The amendment at the desk is not the same as the one filed. It will require unanimous consent to substitute.

Mr. HARKIN. 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. 4101, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment I sent to the desk be substituted for the earlier amendment I had on file.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 4101, as modified.

Mr. HARKIN. 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, as modified, is as follows:

(Purpose: To limit to $74,100,000 the total amount of funds that may be expended for construction of the National Ignition Facility)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) LIMITATION ON TOTAL COST OF CONSTRUCTION OF NATIONAL IGNITION FACILITY.—Notwithstanding any other provision of law, the total amount that may be expended for purposes of construction of the National Ignition Facility, including conceptual and construction design associated with the Facility, may not exceed $74,100,000.

(b) INDEPENDENT REVIEW OF NATIONAL IGNITION FACILITY.—(1) The Administrator of the National Nuclear Security Administration shall provide for an independent review of the National Ignition Facility and the Inertial Confinement Fusion Program. The review shall be conducted by the National Academy of Sciences.

(2) The review under paragraph (1) shall address the following:

(A) Whether or not the National Ignition Facility is required in order to maintain the safety and reliability of the current nuclear weapons stockpile.

(B) Whether or not alternatives to the National Ignition Facility could achieve the objective of maintaining the safety and reliability of the current nuclear weapons stockpile.

(C) Any current technical problems with the National Ignition Facility, including the effects of such problems on the cost, schedule, or likely success of the National Ignition Facility project.

(D) The likely cost of the construction of the National Ignition facility, including any conceptual and construction design and manufacture associated with construction of the Facility.

(E) The potential effects of cost overruns in the construction of the National Ignition Facility on the stockpile stewardship program.

(F) The cost and advisability of scaling back the number of proposed beamlines at the National Ignition Facility.

(3) Not later than September 1, 2001, the Administrator shall submit to Congress a report on the review conducted under this subsection. The report shall include the results of the review and such comments and recommendations regarding the results of the review as the Administrator considers appropriate.

Mr. HARKIN. Mr. President, this amendment has to do with the so-called NIF. I will use that acronym.

The National Ignition Facility is a massive research facility being built at the Department of Energy's Lawrence Livermore Labs in California. NIF supposedly—I use that word ''supposedly''—was a part of the Stockpile Stewardship Program which is supposed to maintain the safety and reliability of our nuclear arsenal without exploding any nuclear weapons.

As many of my colleagues are aware, this is a deeply troubled program. The General Accounting Office recently issued a report that detailed management turmoil, cost overruns, slipping schedules, and unsolved technical problems. I am deeply concerned that we will pour more and more money into NIF, money that could be used for other scientific purposes. NIF appears to be mostly a jobs program for nuclear weapons scientists. That is the point.

Let me review the history of the cost projections for the National Ignition Facility. In 1990, a National Academy of Sciences panel estimated we could achieve ignition with a $400 million facility. They called it a reasonable cost. Then it went up to $677 million in 1993. Then it went up to $2.1 billion this past June for construction costs and another $1.1 billion for operation before it is completed. Then in August, the GAO found that the Department of Energy has still neglected to include the cost of targets and other parts of the program. They have now suggested a total cost of close to $4 billion. It is going up all the time. We were up to $4 billion in August. Outside experts, adding in operation costs for another 25 years, the uncertainties because research and development are underway, estimate the life-cycle costs are now somewhere upwards of about $10 billion and counting. This is not a reasonable cost; it is a massive public boondoggle.

I will say that at this point—and I will say it again and again until we finally resolve this issue of the National Ignition Facility—if you liked the Clinch River breeder reactor that we debated here almost 20 years ago, that we poured billions of dollars into before we finally got rid of it, if you liked the Clinch River breeder reactor, you

will love this program. If you liked the Superconducting Super Collider, you would like this program.

Under Clinch River, we spent $1.5 billion before we finally killed it. It was projected to cost $3.5 billion. We thought that was outlandish. On the Superconducting Super Collider, we spent $2.2 billion. It was estimated to cost over $11 billion. We heard all the arguments; I remember them well. I was involved in both debates on Clinch River and on the Superconducting Super Collider: We have spent all that money; we are just going to let it go to waste.

We heard those arguments over and over again: Once we put that money in, we have to complete it.

I ask you, are we worse off as a country now because we did not build the Clinch River breeder reactor; we came to our senses in time? Are we worse off as a country because we came to our senses in time and did not complete the Superconducting Super Collider? Not at all. We are better off because we saved the money. Now we are down to the National Ignition Facility, another one of the big boondoggles of all time.

We have spent about $800 million, give or take a few. It is estimated to cost about $4 billion—slightly more than the Clinch River breeder reactor—and counting, as I said. Four billion is just one of the most recent estimates. It is going to be more than that. Yet we are hearing: Well, we have spent the $800 million; we ought to keep spending the money.

As this National Ignition Facility continues, keep in mind the Clinch River breeder reactor, keep in mind the Superconducting Super Collider. Ask yourselves if we didn't do the right thing by stopping those at the time and saving our taxpayers money.

We have had a lot of problems with NIF. They have repeatedly tried to hide the true costs of the project. In fact, DOE and lab officials told GAO that they deliberately set an unrealistically low initial budget because they feared Congress would not fund a realistic one.

This is directly from the GAO report:

> DOE and Laboratory officials associated with NIF told us that they recognized it would cost more than planned, but that they accepted this unrealistic budget in the belief that Congress would not fund NIF at a higher cost. . . .

They lied to us. They simply lied to us. They admitted it to GAO. Now they want more money. Is this what we reward? Is this the kind of good stewardship we reward?

We had an independent review last year that was supposed to come to Congress. The lab and DOE officials edited it before we got it. They have hidden problems from DOE. When Secretary Richardson praised the project out at Livermore last year, he proclaimed it on cost and on schedule. But the lab officials knew it was actually over budget and far behind. They had known it for months. They simply just did not tell the Secretary of Energy.

So what is this NIF? Why is it necessary? NIF is a stadium-sized building in which they plan to place 192 lasers all pointed at one very small BB-sized, even smaller pellet. When all these lasers fire at one time, it is going to create a lot of heat, a lot of pressure, hopefully, as they say, to create nuclear fusion. These weapons scientists hope they will achieve ignition; that is, to get more energy from the fusion than they put in with the lasers.

The stated purposes of NIF: One, to simulate conditions in exploding nuclear weapons; two, to maintain a pool of nuclear weapon scientists at Livermore; and three, to conduct basic research towards fusion energy.

Let me take the last one first. In the House I was on the Science and Technology Committee for 10 years. We had a lot of dealings with Lawrence Livermore at that time on something called Shiva, a big laser project. It cost us hundreds of millions of dollars. They were going to prove they could develop inertial confinement laser fusion energy. We spent a lot of money on it. It is now on the scrap heap someplace. We wasted a lot of money on that project, too.

Again, let me talk about the stockpile stewardship. It may be true that NIF would provide useful data for simulating nuclear weapons explosions. But we don't need that data to maintain the nuclear arsenal we have today. For decades, we have assured the safety and reliability of our nuclear weapons with a careful engineering program.

First of all, all the weapons we have in our stockpile were tested in more than 1,000 nuclear tests prior to the ban on nuclear explosions—1,000 of them. Secondly, in addition, every year, 11 weapons of each type are removed from the stockpile, taken apart, disassembled, and the components are carefully examined and tested for any signs of aging or other problems. All of the components can be tested, short of creating an actual nuclear explosion. If any problems are found, components can be remanufactured to original specifications.

So far, the evidence indicates that the weapons are not noticeably aging. These activities we have underway right now are low cost. Yet they provide a secure and tested way of maintaining our present nuclear stockpile. We don't need a $4 billion facility at Lawrence Livermore to do what we are doing right now. We can and will continue these surveillance activities of our stockpile.

The kind of detailed information on nuclear explosions that NIF could provide is needed only to modify weapons or design new ones. But we don't need to design any new nuclear weapons. Indeed, the more changes we make, the further we will move from the nuclear tests we have conducted and the less confident we can be that our nuclear weapons will work as intended.

In short, we have conducted over 1,000 nuclear explosions and tests. We have designed, redesigned, compacted, made smaller specifically designed nuclear weapons. We don't need the NIF for any more design, but that is what they intend to do with it. That is why scientists of widely divergent views on other issues agree we do not need NIF for stockpile stewardship.

Edward Teller, known as the father of the hydrogen bomb, when asked what role NIF would have in maintaining the nuclear stockpile, replied, ''None whatsoever.''

Robert Puerifoy, former vice president of Sandia Lab, said, ''NIF is worthless . . . it can't be used to maintain the stockpile, period.''

Seymour Sack, a former weapons scientist at Livermore, called NIF ''worse than worthless'' for stockpile stewardship.

Again, the NIF facility also cannot be justified for basic science or fusion energy research. About 85 percent of the planned experiments are for nuclear weapons physics. Most of the remainder are on nuclear weapons effects. So there is precious little left for any kind of basic or applied sciences.

What we are left with is a $4 billion full employment program for a few nuclear weapons scientists. We can do better than that. We certainly do need to maintain some nuclear weapons expertise as long as we maintain nuclear weapons. As I have said, there is a better way and a cheaper way than spending billions of dollars on construction contracts. It makes absolutely no sense to spend these billions when we have a well-settled, time-tested, proven way of making sure our nuclear stockpile is safe and is workable.

So not only is NIF not needed for this stockpile stewardship, but as the cost of this facility continues to escalate, it is going to steal funding from other stockpile stewardship activities. Just as we found that the Superconducting Super Collider was going to steal from other basic physics research, and as we found the Clinch River breeder reactor would take other needed energy programs, NIF is going to do the same thing.

The administration has requested an additional $135 million for construction of NIF this year, and that is going to be taken from other stockpile stewardship activities, in addition to the $74 million that is in this bill. So if you think we are only spending $74 million on NIF, forget it. They have already requested to transfer another $135 million from other activities.

The administration has requested an even larger increase for fiscal year 2002,

$180 million, and hundreds of millions of dollars more in future years. Again, I submit that we will be starving basic science programs and physics programs in order to get the money to build this project at Lawrence Livermore.

Even Sandia Lab has publicly expressed concern. They said in a statement earlier this year:

> The apparent delay and significant increase in cost for the NIF is sufficient that it will disrupt the investment needed to be made at the other laboratories, and perhaps at the production plants, by several years. This causes us to question what is a reasonable additional investment in the National Ignition Facility.

Lastly—and I will end on this note—even if it is built, the National Ignition Facility may never achieve ignition. Even Lawrence Livermore's NIF project manager, Ed Moses, suggested, ''The goal of achieving ignition is a long shot.'' Physicist Leo Mascheroni is quoted in the August 18 issue of Science magazine as saying, ''From my point of view, the chance that this reaches ignition is zero. Not 1 percent. Those who say 5 percent are just being generous to be polite.'' Well, there you have it.

If it does work, the NIF may itself be a nuclear proliferation threat. The Lawrence Livermore Institutional Plan describes the main purpose of NIF:

> To play an essential role in assessing physics regimes of interest in nuclear weapons design and to provide nuclear weapon-related physics data, particularly in the area of secondary design.

So that is what it is for—designing new nuclear weapons. But we don't need to. It is of dubious value in maintaining the stockpile when we already have, as I said, a time-tested, proven way of doing so.

Well, Mr. President, the amendment I offered basically leaves the $74.1 million that is in the bill. But it only says that was all they could use right now. My amendment says the administrators of the National Nuclear Security Administration shall provide for an independent review of the NIF and the Inertia Confinement Review Program. This review shall be conducted by the National Academy of Sciences.

I have asked that the review address the following: whether it is required in order to maintain the reliability and safety of the stockpile; whether or not the alternatives could achieve the same objective; any current technical problems that we have; the likely cost of the construction; the potential effects of cost overruns; lastly, the cost and availability of scaling back the number of proposed beam lines at the NIF.

Basically, what I am saying is let's put the money in that we have now, but let's have the National Academy of Sciences do an independent study that would not be reviewed and edited by Lawrence Livermore, and this report would be submitted by September of 2001. That is really what this amendment does. I am grateful to the manager and the chairman of the committee for accepting the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, before my friend from New Mexico speaks, I want to tell my friend from Iowa how appreciative I am of him bringing this to the floor. With his statement tonight, he has made it so the National Ignition Facility will be given a much closer look. It needs to be looked at much more closely. I already have a statement in the RECORD, and I don't need to repeat how I feel about this whole project. I want to acknowledge to my friend what a great service he has rendered to the country by his statement tonight.

Mr. HARKIN. Mr. President, I say to the Senator from Nevada that we really started questioning this because of some of the information the Senator from Nevada was given by officials from the DOE in Lawrence Livermore. That raised a lot of questions about where we were headed.

I thank the Senator from Nevada for his leadership on this issue.

Mr. DOMENICI. Mr. President, the Senator from Arizona wants to use a few minutes on this discussion. But before we do that, I wonder if I can get a unanimous consent agreement that has been cleared by both sides.

I ask unanimous consent that a vote occur on the Durbin amendment at 8 p.m. and there be up to 20 minutes of debate to be equally divided prior to the vote and no second-degree amendments be in order prior to the vote.

Second, I ask unanimous consent that prior to the vote on the Durbin amendment Senator HARKIN be recognized to offer his amendment—which he has already offered—the National Ignition Facility amendment, that time on the amendment be limited to 30 minutes for the full debate; that no second-degree amendments be in order; that Senator HARKIN has used his time, and we will not use 15 minutes on our side.

I further ask unanimous consent that prior to the vote relative to the Durbin amendment the two managers be recognized to offer all the cleared amendments and amendments that we have to modify to get cleared;

And, finally, I ask unanimous consent that immediately following the disposition of the Durbin amendment the bill be advanced to third reading, the Senate proceed to passage of H.R. 4733, following the passage of the bill the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate which would be the entire subcommittee.

Mr. REID. Mr. President, reserving the right to object, I would like to make sure it is clear that the Senator from Illinois will have an up-or-down vote on his amendment and that there will be no motion to table.

Mr. DOMENICI. That is correct. I think I said that. I am glad to have the clarification.

Mr. REID. Also, even though this isn't part of the unanimous consent request, because we have so much, I wonder if we could have some general idea about how long the Senator from Arizona wishes to speak.

Mr. KYL. Five minutes.

Mr. REID. Could we make that part of the unanimous consent agreement?

Mr. DOMENICI. Yes.

Mr. HARKIN. Mr. President, I did not hear what the Senator from New Mexico said about my amendment.

Mr. DOMENICI. We were offering this as if the Senator had not given it, and I was trying to say he already has. I thank the Senator for asking.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate Senator DOMENICI yielding some time to me.

I think, while we have accepted this amendment, it is important that the RECORD be corrected because Senator HARKIN said some things that I believe not to be correct.

I also think that we need to be careful about how we act around here.

The fact that some people made some estimates as to how much it was going to cost to construct the National Ignition Facility and in fact were greatly underestimating the cost of the facility should not be a reason for us to suggest that this facility is unnecessary. They suggest that it is a ''boondoggle,'' to use the word of the Senator from Iowa. They suggest that it is in the same category of some other discretionary projects which we end up not funding in Congress. In fact, the Senator from Iowa and others recognized its importance in their support for the Comprehensive Test Ban Treaty when they argued that we didn't need testing any more because we were going to have this wonderful Stockpile Stewardship Program, a part of which is the ignition facility, and, therefore, they were willing to rely upon the Stockpile Stewardship Program and the National Ignition Facility in lieu of testing forevermore. We are going to give up testing forevermore, Senator HARKIN and others who supported the test ban treaty said.

Now they are saying: Well, actually we don't need the National Ignition Facility, in our opinion. We are willing to submit the question of whether it is needed to some extraneous body.

But I will tell you that I visited with the head of the Lawrence Livermore Lab yesterday, and I talked to any number of Department of Defense and

Department of Energy officials, as well as lab people, and every one of them will confirm that the National Ignition Facility is a critical component of the Stockpile Stewardship Program. Without it, eventually the Stockpile Stewardship Program provides you nothing in terms of data. And, indeed, our National Laboratories would probably not be able to certificate the stockpile of the United States, which, of course, would require advertising—something I know the Senator from Iowa would not want.

The National Ignition Facility is a key component of the Stockpile Stewardship Program because it will actually allow an event to occur that simulates a nuclear explosion. Calculations can then occur based upon that event to either confirm or deny the theory that the scientists have developed that they plugged into the computers.

But there is a point at which you can run all the calculations you want. Unless you have something to compare them to, some real event, they are worthless or meaningless.

That is why the ignition facility is so important. Even though it is a little miniature thing—it is not like a big nuclear explosion—it can provide them with the data they need to then validate the theories of the Stockpile Stewardship Program which they have run on their computers.

The argument of the Senator from Iowa, it seems to me, is a little bit like this: He loans the family car out to his son for a date. He says: Be careful, son. Be in by midnight. The son comes back at midnight: Gee, dad. I am sorry, I wrecked the car. The dad says: It is such a horrible thing you did that we are not going to repair the car. You are cutting off your nose to spite your face.

It is true that the cost of this program has gone up. I believe it has gone up because of mistakes that were made on the part of the laboratory in deciding how much this was going to cost.

It is easy for us to stand up and criticize it and say you all made a mistake. That is easy to do. I will join my colleague in that criticism. But what do you do about it? Do you decide you are not going to go ahead with the facility that all of the experts say is critical because it is going to cost more? That is true. But it is still critical. You can't just say because it is going to cost more than we thought that we are just going to give up on the whole project. At least you can't advocate the Stockpile Stewardship Program, as I know my colleague from Iowa is.

I want to make this point, even though this amendment is going to be accepted. I am hopeful and I presume that it will not be a part of the final legislation that goes to the President for his signature. It would be wrong to cap the funding on this, and it would be wrong to assume that the National Ignition Facility is not a critical part of the Stockpile Stewardship Program.

I want to be able to correct the record so we don't leave any misimpression that somehow this is a discretionary program, that we may not need it, and because it is going to cost somewhat more than we thought, therefore we should be willing to jettison it.

It is a critical component to ensure the viability, the reliability, and the safety of our nuclear stockpile. I assume every one of us in this room is very firmly committed to the proposition that the nuclear stockpile of the United States must be safe and reliable, and if it takes this National Ignition Facility to ensure that, then we ought to be willing to support it even if it is going to cost a little bit more than we originally anticipated.

I appreciate the strong work of the Senator from New Mexico on this, and his willingness to yield me this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator KYL. I believe that is the end of the discussion, unless the Senator from Iowa wanted a couple of minutes.

Mr. HARKIN. Another minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my friend from Arizona. I think what Senator KYL has said indicates why we need a little bit more robust debate on this issue than what we are having tonight. I know it is late. We are moving on. But I really think we need to have a pretty involved discussion and debate on this issue. Obviously, we have a disagreement on this issue. Again, I agree with the Senator from Arizona that we want our stockpiles to be safe and reliable. The question is, What is the best methodology to accomplish that at the cheapest cost to the taxpayers and that perhaps will not open the door to other problems down the road while we might agree upon the basis of how we get there? That is why I think we really need a more robust debate on this issue of the National Ignition Facility than what we have had in the past.

Businesses disagree on this. Scientists disagree on it. Obviously, politicians are disagreeing on it. That is why on this one, which is going to cost a lot of money, I hope that next year—we will not this year, but I hope next year—we can keep this study. I hope we do have the study, as the Senator from Arizona said, by some outside body. The amendment calls for the National Academy of Sciences to do it. I can't think of a more appropriate body to do an independent analysis of the study than the National Academy of Sciences, where they can call on a broad variety of different disciplines to have input.

I hope we at least have that and come back next year. Let's have a more robust and more involved debate on whether or not we really want to continue with the National Ignition Facility.

Mr. KYL. Mr. President, I ask unanimous consent that a document entitled "National Ignition Facility (NIF)—An Integral Part of the Stockpile Stewardship Program" be printed in the RECORD to make the point that the Clinton administration and five laboratory directors believe this is a critical project and that at least $95 million is necessary in fiscal year 2001 for the NIF projects.

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

NATIONAL IGNITION FACILITY (NIF)—AN INTEGRAL PART OF THE STOCKPILE STEWARDSHIP PROGRAM

The NNSA is currently in the process of developing its long-term plan for the Stockpile Stewardship Program (SSP). This plan will address all elements needed to maintain the safety, security, and reliability of the nation's nuclear weapons stockpile now and into the future, including science, infrastructure, and people.

NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.

We concur that the NIF offers a unique, critical capability within a "balanced" SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program an additional $95 million is necessary in FY 2001 for the NIF Project.

MADELYN R. CREEDON,
NNSA.
C. BRUCE TARTER, LLNL.
JOHN C. BROWNE, LANL.
C. PAUL ROBINSON, SNL.

Date: September 6, 2000.

ENERGY AND WATER APPROPRIATIONS

NATIONAL IGNITION FACILITY

Mr. KYL. Mr. President, the National Ignition Facility (NIF) is a major part of the Stockpile Stewardship Program, which is a set of programs and facilities that are designed to allow the United States to maintain the safety and reliability of our nation's vital nuclear deterrent.

It is hoped that at some point in 10 to 20 years that the stockpile Stewardship Program can be a replacement for actual nuclear testing. The jury is still out on whether it can in fact eventually accomplish this goal. I support the

Stockpile Stewardship Program because it will improve our knowledge about our nuclear weapons. The fact is that, despite our technical expertise, there is much we still do not understand about our own nuclear weapons. As C. Paul Robinson, Director of the Sandia National Laboratory has said, ''Some aspects of nuclear explosive design are still not understood at the level of physical principles.''

America's nuclear weapons are the most sophisticated in the world. Each one typically has thousands of parts, and over time the nuclear materials and high explosive triggers in our weapons deteriorate and we lack experience predicting the effects of these changes. Some of the materials used in our weapons, like plutonium, enriched uranium, and tritium, are radioactive materials that decay, and as they decay they also change the properties of other materials within the weapon. We lack experience predicting the effects of such aging on the safety and reliability of our weapons. We did not design our weapons to last forever. The shelf life of our weapons was expected to be about 20 years. In the past, we did not encounter problems with aging weapons, because we were fielding new designs and older designs were retired.

As the Department of Energy said in its review of the Stockpile Stewardship Program completed on November 23, 1999, ''The NIF is one of the most vital facilities in the stockpile stewardship program.'' This facility at the Lawrence Livermore National Laboratory in California is roughly the same size as a stadium, and is designed to produce the intense pressures and temperatures needed to simulate in a laboratory the thermonuclear conditions achieved in nuclear explosions. The NIF will accomplish this goal by focusing 192 laser beams on a ''dime-sized'' piece of plutonium. When completed, the NIF will be the world's most powerful laser facility, about 60 times more powerful than the next largest DOE laser facility, the NOVA laser.

As a review conducted in 1994 by the so-called, JASON panel, a Defense Department panel of nuclear experts said ''The NIF is without question the most scientifically valuable of the programs proposed for the Science Based Stockpile Stewardship program, particularly in regard to research and 'proof-of-principle' for ignition, but also more generally for fundamental science. As such, it will promote the goal of sustaining a high-quality group of scientists with expertise related to the nuclear weapons program.''

There is a consensus among the three national laboratories and at the National Nuclear Security Administration that additional funding above the level in the current version of the Energy and Water Appropriations bill for the NIF program needs to be increased. In a joint statement dated September 6, 2000, Dr. Bruce Tarter, the Director of the Lawrence Livermore National Laboratory, Dr. John Browne, the Director of the Los Alamos National Laboratory, Dr. Paul Robinson, the Director of Sandia National Laboratory, and Madelyn Creedon, the Deputy Administrator for Defense Programs at the National Nuclear Security Administration stated:

> NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.
>
> We concur that the NIF offers a unique, critical capability within a ''balanced'' SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program, an additional $95 million [above the President's original budget request] is necessary in FY 2001 for the NIF Project.

The NIF program has recently experienced delays and cost overruns. But new management for the program is in place. The facility has undergone and passed intensive scientific and programmatic reviews that were recently conducted. And the management problems and lack of oversight that led to the earlier delays and cost overruns are understood and should therefore be preventable.

We are well along toward completion of the NIF facility. Construction of the facility to house the laser beams, a $260 million project itself, is about 90% complete. 80% of the large components for the infrastructure for the laser beams has been procured and is either on site or on the way. The NIF program at Lawrence Livermore Lab has 800 scientists and technicians on the project. Delaying the program, which would result in a standing army of technicians, or canceling it, which would prevent the achievement of the goals of the Stockpile Stewardship Program simply makes no sense.

There is bipartisan support for this program and the Administration supports the program. Undersecretary of State John Holum said in a letter on June 12, 2000 that, ''I strongly support this essential national security program. We must avoid the complacency of not doing enough in stewardship. We need to make a long-term commitment to use our scientific prowess to maintain a safe and reliable stockpile of nuclear weapons. . . . The problems with NIF are not scientific. . . . I urge you to support the program.''

The NIF is essential to our Stockpile Stewardship Program, which itself is an essential to maintain our nuclear weapons.

Mr. SCHUMER. Mr. President, I want to thank Senator HARKIN for modifying his amendment to the Energy and Water Appropriations bill. The original amendment would have eliminated construction money for the National Ignition Facility (NIF) which is an essential component to our Stockpile Stewardship Program. Any elimination of funding for the program would negate the nearly $1 billion Congress has spent on this project thus far, and would cripple our nation's arms control and non-proliferation efforts. Still, the amendment agreed to does limit the amount of funding for Fiscal Year 2001 which will make it increasingly difficult to meet the goals of the project.

The United States has made a strong commitment against underground nuclear testing. In order to meet this goal and maintain the nuclear deterrent of the United States, we must have a safe, reliable, and effective science based Stockpile Stewardship Program (SSP).

As a key element to the SSP, NIF will be the only facility able to achieve conditions of temperature and pressure in a laboratory setting that have only been reached in explosions of thermonuclear weapons and in the stars. It is expected to provide important contributions to the goals of stockpile stewardship in the absence of nuclear testing and to contribute to the advancement of inertial fusion energy and other scientific research efforts.

I am proud that institutions and contractors throughout New York State have provided valuable services and tools for this project that are essential to its completion. Because New York companies and research institutions provide laser, optics, and other tools, underground nuclear testing will no longer be necessary. That would be a huge benefit to the entire world.

I understand that DOE has recognized that there are some problems with NIF, but DOE is working hard to take the necessary steps to correct these issues. Project management has been restructured and has demonstrated over the last six months that it is capable of managing a project of this scope. It has already been determined that the underlying science associated with NIF is sound.

Until DOE's investigation is complete, it is premature to cut funding for this program. The cost increases should not override the importance of this project in our goal to ensure the safety and reliability of our nuclear weapons.

Any repeal of this funding will cripple the valuable science and knowledge that is coming together from around the world in our effort to maintain the United States nuclear deterrent.

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

The amendment (No. 4101) was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, AND 4103, EN BLOC

Mr. DOMENICI. Senator REID and I have jointly reviewed and considered a large number of amendments filed by our colleagues, to which we can agree. This is a little bit unique because all are filed, all have numbers, and all are, therefore, reviewable by anybody desiring to review them.

I send to the desk a list of those amendments and ask they be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, and 4100, 4102, and 4103, en bloc.

The amendments are as follows:

AMENDMENT NO. 4024

(Purpose: To authorize the Corps of Engineers to include an evaluation of flood damage reduction measures in the study of Southwest Valley Flood Reduction, Albuquerque, New Mexico)

On page 47, line 18 before the period, insert the following: ''*: Provided*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff''.

AMENDMENT NO. 4032

Starting on page 64, line 24, strike all through page 66, line 7.

AMENDMENT NO. 4033

(Purpose: To establish a Presidential Energy Commission to expore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices)

On page 93, between lines 7 and 8, insert the following:

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 4___. PRESIDENTIAL ENERGY COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) crude oil and natural gas account for two-thirds of America's energy consumption;

(2) in May 2000, United States natural gas stocks totaled 1,450 billion cubic feet, 36 percent below the normal natural gas inventory of 2,281 billion cubic feet;

(3) in July 2000, United States crude oil inventories totaled 298,000,000 barrels, 11 percent below the 24-year average of 334,000,000 barrels;

(4) in June 2000, distillate fuel (heating oil and diesel fuel) inventories totaled 103,700,000 barrels, 26 percent below the 24-year average of 140,000,000 barrels;

(5) combined shortages in inventories of natural gas, crude oil, and distillate stocks, coupled with steady or increased demand, could cause supply and price shocks that would likely have a severe impact on consumers and the economy; and

(6) energy supply is a critical national security issue.

(b) PRESIDENTIAL ENERGY COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall establish, from among a group of not fewer than 30 persons recommended jointly by the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate, a Presidential Energy Commission (referred to in this section as the ''Commission''), which shall consist of between 15 and 21 representatives from among the following categories:

(i) Oil and natural gas producing States.

(ii) States with no oil or natural gas production.

(iii) Oil and natural gas industries.

(iv) Consumer groups focused on energy issues.

(v) Environmental groups.

(vi) Experts and analysts familiar with the supply and demand characteristics of all energy sectors.

(vii) The Energy Information Administration.

(B) TIMING.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(C) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(D) CHAIRPERSON.—The members of the Commission shall appoint 1 of the members to serve as Chairperson of the Commission.

(E) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(F) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(2) DUTIES.—

(A) IN GENERAL.—The Commission shall—

(i) conduct a study, focusing primarily on the oil and natural gas industries, of—

(I) the status of inventories of natural gas, crude oil, and distillate fuel in the United States, including trends and projections for those inventories;

(II) the causes for and consequences of energy supply disruptions and energy product shortages nationwide and in particular regions;

(III) ways in which the United States can become less dependent on foreign oil supplies;

(IV) ways in which the United States can better manage and utilize its domestic energy resources;

(V) ways in which alternative energy supplies can be used to reduce demand on traditional energy sectors;

(VI) ways in which the United States can reduce energy consumption;

(VII) the status of, problems with, and ways to improve—

(aa) transportation and delivery systems of energy resources to locations throughout the United States;

(bb) refinery capacity and utilization in the United States; and

(cc) natural gas, crude oil, distillate fuel, and other energy-related petroleum product storage in the United States; and

(VIII) any other energy-related topic that the Commission considers pertinent; and

(ii) not later than 180 days after the date of enactment of this Act, submit to the President and Congress a report that contains—

(I) a detailed statement of the findings and conclusions of the Commission; and

(II) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate.

(B) TIME PERIOD.—The findings made, analyses conducted, conclusions reached, and recommendations developed by the Commission in connection with the study under subparagraph (A) shall cover a period extending 10 years beyond the date of the report.

(c) USE OF FUNDS.—The Secretary of Energy shall use $500,000 of funds appropriated to the Department of Energy to fund the Commission.

(d) TERMINATION OF COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under subsection (b)(2)(A)(ii).

AMENDMENT NO. 4039

(Purpose: To provide for funding of innovative projects in small rural communities in the Mississippi Delta to demonstrate advanced alternative energy technologies)

On page 67, line 4, strike ''Fund:'' and insert ''Fund, of which an appropriate amount shall be available for innovative projects in small rural communities in the Mississippi Delta, such as Morgan City, Mississippi, to demonstrate advanced alternative energy technologies, concerning which projects the Secretary of Energy shall submit to Congress a report not later than March 31, 2001:''.

AMENDMENT NO. 4040

(Purpose: To require an evaluation by the Department of Energy of the Adams process)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDING.—Congress finds that the Department of Energy is seeking innovative technologies for the demilitarization of weapons components and the treatment of mixed waste resulting from the demilitarization of such components.

(b) EVALUATION OF ADAMS PROCESS.—The Secretary of Energy shall conduct an evaluation of the so-called ''Adams process'' currently being tested by the Department of Energy at its Diagnostic Instrumentation and Analysis Laboratory using funds of the Department of Defense.

(c) REPORT.—Not later than September 30, 2001, the Secretary of Energy shall submit to Congress a report on the evaluation conducted under subsection (b).

AMENDMENT NO. 4042

(Purpose: To provide funding for a topo/bathy study of coastal Louisiana)

Insert the following at the end of line 18, page 47 before the period. ''*:Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $200,000, of funds appropriated herein for Research and Development, for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency federal laboratory in Lafayette, Louisiana.''

AMENDMENT NO. 4046

On page 67, line 9, after ''activities'' insert the following: '', and *Provided Further*, That, of the amounts made available for energy supply $1,000,000 shall be available for the Office of Arctic Energy.''

AMENDMENT NO. 4047

(Purpose: To direct the Secretary of Energy to submit to Congress a report on national energy policy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3___. REPORT ON NATIONAL ENERGY POLICY.

(a) FINDINGS.—Congress finds that—

(1) since July 1999—

(A) diesel prices have increased nearly 40 percent;

(B) liquid petroleum prices have increased approximately 55 percent; and

(C) gasoline prices have increased approximately 50 percent;

(2)(A) natural gas is the heating fuel for most homes and commercial buildings; and

(B) the price of natural gas increased 7.8 percent during June 2000 and has doubled since 1999;

(3) strong demand for gasoline and diesel fuel has resulted in inventories of home heating oil that are down 39 percent from a year ago;

(4) rising oil and natural gas prices are a significant factor in the 0.6 percent increase in the Consumer Price Index for June 2000 and the 3.7 percent increase over the past 12 months;

(5) demand for diesel fuel, liquid petroleum, and gasoline has continued to increase while supplies have decreased;

(6) the current energy crisis facing the United States has had and will continue to have a detrimental impact on the economy;

(7) the price of energy greatly affects the input costs of farmers, truckers, and small businesses; and

(8) on July 21, 2000, in testimony before the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary of Energy stated that the Administration had developed and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages.

(b) REPORT.—Not later than September 30, 2000, the Secretary of Energy shall submit to Congress a report detailing the Department of Energy's plan to address the high cost of home heating oil and natural gas.

AMENDMENT NO. 4057

(Purpose: Concentrating Solar Demonstration Project)

Insert at the end of line 9, page 67 of the bill ''; *Provided, further*, That $1,000,000 is provided to initiate planning of a one MW dish engine field validation power project at UNLV in Nevada''.

AMENDMENT NO. 4062

(Purpose: To provide $4,000,000 for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen in Nevada)

On page 67, line 4, after the word ''Fund:'' insert the following: ''*Provided*, That $4,000,000 shall be made available for the demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing mining facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than equal amount, and a portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration.''

AMENDMENT NO. 4063

(Purpose: To provide $5,000,000 to demonstrate a commercial facility employing thermo-depolymerization technology)

On page 67, line 4, after the word ''Fund:'' insert the following: ''*Provided*, That, $5,000,000 shall be made available to support a project to demonstrate a commercial facility employing thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-share basis where Federal funding shall be matched in at least an equal amount with non-federal funding.''

AMENDMENT NO. 4067

(Purpose: To provide that the Tennessee Valley Authority shall not proceed with a sale of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement)

On page 97, after line 14, insert the following:

SEC. 7 . SALE OF MINERAL RIGHTS BY THE TENNESSEE VALLEY AUTHORITY.

The Tennessee Valley Authority shall not proceed with the proposed sale of approximately 40,000 acres of mineral rights in land within the Daniel Boone National Forest, Kentucky, until after the Tennessee Valley Authority completes an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

AMENDMENT NO. 4068

On page 47, line 18 after the phrase ''to remain available until expended'' insert the following:''; *Provided*, That $50,000 provided herein shall be for erosion control studies in the Harding Lake watershed in Alaska.''

AMENDMENT NO. 4069

(Purpose: To provide $2,000,000 for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center)

At the appropriate place in the bill providing funding for Defense Nuclear Nonproliferation, insert the following: ''*Provided further*, That $2,000,000 shall be provided for equipment acquisition for the Incorporated Research Institutions for Seismology (IRIS) PASSCAL Instrument Center.''

AMENDMENT NO. 4070

(Purpose: To provide $3,000,000 to support a program to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security along the U.S.-Mexico border; and to provide $2,000,000 for the Materials Corridor Partnership Initiative)

On page 73, line 22, after the word ''expended'', insert the following: ''*Provided*, That, $3,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy, in coordination with the U.S.-Mexico Border Health Commission, to apply and demonstrate technologies to reduce hazardous waste streams that threaten public health and environmental security in order to advance the potential for commercialization of technologies relevant to the Department's clean-up mission. Provided further, That $2,000,000 shall be made available from within the funds provided for Science and Technology to support a program to be managed by the Carlsbad office of the Department of Energy to implement a program to support the Materials Corridor Partnership Initiative.''

AMENDMENT NO. 4071

On page 61, line 25, add the following before the period: '': *Provided further*, That $2,300,000 of the funding provided herein shall be for the Albuquerque Metropolitan Area Water Reclamation and Reuse project authorized by Title XVI of Public Law 102–575 to undertake phase II of the project''.

AMENDMENT NO. 4072

(Purpose: To provide $1,000,000 for the Kotzebue wind project)

On page 67, line 4, after the word ''Fund:'' insert the following: ''*Provided*, That, $1,000,000 shall be made available for the Kotzebue wind project.''

AMENDMENT NO. 4073

(Purpose: To provide $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska)

On page 67, line 4 after the word ''Fund:'' insert the following: ''*Provided*, That, $2,000,000 shall be made available for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in Southeast Alaska.''

AMENDMENT NO. 4074

(Purpose: To provide $500,000 for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University)

On page 67, line 4, after the word ''Fund:'' insert the following: ''*Provided*, That, $500,000 shall be made available for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University.''

AMENDMENT NO. 4076

(Purpose: To exempt travel within the LDRD program from the Department-wide travel cap)

On page 83, before line 20, insert the following new subsection:

''(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program.''

AMENDMENT NO. 4077

(Purpose: To provide erosion and sediment control measures resulting from increased flows related to the Cerro Grande Fire in New Mexico)

On page 93, line 18, strike ''enactment'' and insert: ''enactment, of which $2,000,000 shall be made available to the U.S. Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico''.

AMENDMENT NO. 4078

(Purpose: To provide that up to 8 percent of the funds provided to government-owned, contractor-operated laboratories shall be available to be used for Laboratory Directed Research and Development)

On page 82, line 24, strike ''6'' and replace with ''8''.

AMENDMENT NO. 4083

(Purpose: To prohibit the use of funds made available by this Act to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware)

On page 58, between lines 13 and 14, insert the following:

''SEC. ___. ST. GEORGES BRIDGE, DELAWARE.

''None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.''

AMENDMENT NO. 4085

(Purpose: To provide for an additonal payment from the surplus to reduce the public debt)

On page _____, after line _____, insert the following:

''DEPARTMENT OF THE TREASURY

''BUREAU OF THE PUBLIC DEBT

''SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2001

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

''For deposit of an additonal amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.''

AMENDMENT NO. 4088

(Purpose: To provide sums to the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982)

On page 66, between lines 11 and 12 insert:

''SEC. ____. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).''

AMENDMENT NO. 4093

(Purpose: To set aside funds for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island)

On page 53, line 8, strike ''facilities:'' and insert the following: ''facilities, and of which $500,000 shall be available for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island:''.

AMENDMENT NO. 4100

(Purpose: To direct the Federal Energy Regulatory Commission to submit to Congress a report on electricity prices in the State of California)

On page 97, between lines 12 and 13, insert the following:

SEC. 7___. REPORT TO CONGRESS ON ELECTRICITY PRICES.

(a) FINDINGS.—Congress finds that—

(1) California is currently experiencing an energy crisis;

(2) rolling power outages are a serious possibility;

(3) wholesale electricity prices have soared, resulting in electrical bills that have increased as much as 300 percent in the San Diego area;

(4) small business owners and people on small or fixed incomes, especially senior citizens, are particularly suffering;

(5) the crisis is so severe that the County of San Diego recently declared a financial state of emergency; and

(6) the staff of the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') is currently investigating the crisis and is compiling a report to be presented to the Commission not later than November 1, 2000.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall—

(A) continue the investigation into the cause of the summer price spike described in subsection (a); and

(B) not later than December 1, 2000, submit to Congress a report on the results of the investigation.

(2) CONTENTS.—The report shall include—

(A) data obtained from a hearing held by the Commission in San Diego;

(B) identification of the causes of the San Diego price increases;

(C) a determination whether California wholesale electricity markets are competitive;

(D) a recommendation whether a regional price cap should be set in the Western States;

(E) a determination whether manipulation of prices has occurred at the wholesale level; and

(F) a determination of the remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California or anywhere else in the United States.

AMENDMENT NO. 4102

(Purpose: To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide)

On page 66, between lines 11 and 12, insert the following:

SEC. 2___. RECREATION DEVELOPMENT, BUREAU OF RECLAMATION, MONTANA PROJECTS.

(a) IN GENERAL.—To provide a greater level of recreation management activities on reclamation project land and water areas within the State of Montana east of the Continental Divide (including the portion of the Yellowtail Unit of the Pick-Sloan Project located in Wyoming) necessary to meet the changing needs and expectations of the public, the Secretary of the Interior may—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the projects;

(2) conserve the scenery, the natural, historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by a project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

AMENDMENT NO. 4103

(Purpose: To modify the law relating to Canyon Ferry Reservior, Montana)

On page 66, between lines 11 and 12, insert the following:

SEC. 2___. CANYON FERRY RESERVOIR, MONTANA.

(a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–713; 113 Stat. 1501A–307) is amended—

(1) in clause (i), by striking ''be based on'' and inserting ''use'';

(2) in clause (vi), by striking ''Notwithstanding any other provision of law,'' and inserting ''To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,''; and

(3) by adding at the end the following:

''(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.''.

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–714; 113 Stat. 1501A–308) is amended by inserting after ''Act,'' the following: ''in accordance with all applicable law,''.

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–717; 113 Stat. 1501A–310) is amended by striking paragraph (4).

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 4024, 4032, 4033, 4039, 4040, 4042, 4046, 4047, 4057, 4062, 4063, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4083, 4085, 4088, 4093, 4100, 4102, and 4103) were agreed to.

FLOOD DAMAGE REDUCTION IN THE SOUTHWEST VALLEY OF ALBUQUERQUE, NEW MEXICO

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Energy and Water Appropriations Bill now before the Senate. My amendment is needed to allow the Army Corps of Engineers to continue to work on a feasibility study to alleviate the chronic flooding in the Southwest Valley of Albuquerque, New Mexico.

First, I want to thank the chairman, Senator DOMENICI, the distinguished ranking member, Senator REID, and their fine staffs for all their good work on this Energy and Water Appropriations bill. This bill provides vital funding for a number of programs that are

important to my state of New Mexico and to the nation, and I thank them for their efforts.

For a number of years the Southwest Valley area of Albuquerque in my state of New Mexico has been prone to flooding after major rainstorms. The flooding has caused damage to irrigation and drainage structures, erosion of roadways, pavement, telephone and electrical transmission conduits, contaminated water and soil due to overflowing septic tanks, damaged homes, businesses, and farms, and presented hazards to automobile traffic. In 1997, Bernalillo County approached the Army Corps Engineers to request a reconnaissance study of the chronic flooding problems

The study area encompassed 17.8 square miles of mostly residential neighborhoods along the banks of the Rio Grande in the Southwest Valley and the 50 square miles on the West Mesa, including the Isleta Pueblo, that drain into the valley. The reconnaissance study began in March 1998 and is now completed.

The conclusions of the reconnaissance study define the magnitude of the continuing flooding problem in the Southwest Valley. The study also established a clear federal interest in the drainage project, found a positive cost to benefit ratio for the project, and identified work items necessary to begin designing a range of solutions to alleviate the chronic flooding problems in the valley.

In 1999, based on the positive findings of the reconnaissance study, the Environment and Public Works Committee authorized the Army Corps of Engineers to conduct a full study to determine the feasibility of a project for flood damage reduction in Albuquerque's Southwest Valley. The authorization is contained in section 433 of the Water Resources Development Act of 1999—P.L. 106–53. I want to thank the EPW committee for authorizing this much needed feasibility study. The study began in March 1999 and is expected to be completed in February 2002.

Currently, Bernalillo County, the Albuquerque Metropolitan Arroyo Flood Control Authority and the Corps are working cooperatively on the feasibility study. Last year, the administration requested, and the Congress appropriated $250,000 in federal funding for the feasibility study. This year, the request was for $330,000. I want to thank the committee for again providing the full amount requested.

Last July I had an opportunity to meet with the engineers from the Corps, the County, and AMAFCA to get an update on the study and to tour the areas in the Southwest Valley that are subject to chronic flooding. At the end of the tour, the Corps indicated to me that based on the initial results of the feasibility study, the flooding there was quite severe but the project did not seem to meet the Corps' required flow criterion of 1800 cubic feet per second for the 100-year flood. These flow criteria are outlined in the Engineering Regulations established for Corps. Because of the obvious severity of the flooding, the engineers requested a legislative waiver of the regulations. Without a waiver, the Corps could not continue as a partner in the project. They also indicated the Corps' regulations do not contain any provision to waive the peak discharge criterion.

I would like to take a few moments to describe briefly the unique situation in the Southwest Valley that necessitates a waiver of the Corps' standard regulations. The land along the west side of the Rio Grande is essentially flat. The river is contained by large earthen levees, which were built for flood control. When a river is contained this way by levees, the sediment accumulates in the river bed, slowly raising the level of the river. Of course, if there were no levees, when sediment builds up, the river would simply change course to a lower level. However, over the years, as the sediment has continued to accumulate in the Rio Grande, the level of the river within the levees is now higher than the surrounding land. Thus, when there are heavy rains during the monsoon season, the runoff has nowhere to go—it simply flows into large pools on the valley floor, flooding homes and farms. The water can't flow uphill into the river, so it stays there until it either evaporates or is pumped up and hauled away.

If the flood water sits in large pools and isn't flowing, it clearly can't meet any criterion based on the flow rate of water. Indeed, given the unique nature of the flooding in the Southwest Valley, most areas subject to chronic flood damage do not meet the Corps' peak discharge criterion.

During my visit in July, the three partners in the feasibility study specifically asked me for help in obtaining a waiver of the Corps' technical requirements to deal with this special situation. My amendment provides the necessary waiver the Corps needs to continue to work in partnership with the county and AMAFCA on this project. This is not a new authorization; Congress authorized this study last year. My amendment is a simple technical fix to the existing authorization. Similar language is already in the House companion to this Energy and Water appropriations bill. I do believe the unique situation in Bernalillo County warrants a waiver of the Corps' standard regulations, and I hope the Senate will adopt my amendment.

Mr. REID. Mr. President, on the amendments en bloc, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I yield to Senator GRASSLEY from Iowa for 2 minutes with reference to explaining an amendment in which he procured a number of cosponsors, which was just accepted. He would like to talk about it.

Heretofore, Senator KYL was referring to the Senator from Iowa, and there were two Senators from Iowa on the floor. I believe it should be reflected that he was speaking of Senator HARKIN from Iowa, not Senator GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized for 2 minutes.

Mr. GRASSLEY. In the first place, I ask unanimous consent, to the amendment I have had filed at the desk that was just accepted, that the additional cosponsors be added of Senators DEWINE, LUGAR, and KERREY. I thank Senator DOMENICI and Senator REID for accepting the amendment.

Mr. President, I would like to take this opportunity to introduce a critically important amendment to the Energy and Water Appropriations bill, and I would like to thank Senators GRAMS, VOINOVICH, DEWINE, LUGAR, KERREY of Nebraska, and SNOWE for joining me in this effort.

This amendment would require the administration to provide Congress their plan to address the increasing costs in home heating fuels by September 30. Quite frankly, this plan is long overdue.

Mr. President, on July 3 of this year, I wrote President Clinton and Energy Secretary Richardson to bring their attention to the ever-increasing price of natural gas. I also shared my concern regarding the inadequacy of natural gas supplies to meet demand through the summer and into this winter. I requested that the President inform me of the actions he planned to take to address the higher-than-normal heating bills my constituents will surely face this winter.

Jack Lew, Director of the Office of Management and Budget responded to my letter on July 31. Regrettably, Mr. Lew thanked me for expressing my concerns regarding the increase in fuel costs this past winter.

Let me repeat that. In response to my letter about the inadequacy of home heating fuel for the upcoming winter to the President, I received a letter thanking me for my concerns about the increase in fuel costs last winter. Mr. President, it is this type of irresponsible behavior that has led this country into the next energy crisis.

Today, natural gas is at a record high near $5.00 per million BTU's, while supplies hover below the five-year average. This 50 percent increase will certainly impact the more than 80 percent of

Iowa households which use natural gas to heat their homes.

Furthermore, home heating oil is near a 10-year high, at 98 cents per gallon, already 41 percent above the average price last fall and winter. And crude oil remains near a 10-year high.

While testifying before the Senate Agriculture Committee on July 20, Secretary Richardson stated that the administration had developed a plan and was in the process of finalizing a plan to address potential home heating oil and natural gas shortages. Mr. Secretary, I have not seen your plan. I want to see the plan.

I won't allow the Department of Energy to sit idly by as home heating fuels double. For this reason, I am offering this amendment to require the Department of Energy to provide a report to Congress by September 30, 2000, detailing their plan to address the high cost of home heating oil and natural gas.

I believe this amendment will force the administration to take a much more active role in remedying the home heating fuel crisis.

AMENDMENTS NOS. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, AND 4112, EN BLOC, AS MODIFIED

Mr. DOMENICI. On behalf of myself and Senator REID, I have a series of amendments, again, offered by number, which are filed, which anybody can read, which have been carefully reviewed and can be agreed to with certain modifications. In each instance, the modification is before the Senator from New Mexico and has been reviewed by the Senator from Nevada and with the proponents of the amendment and the authorizing committee that might be interested. I send to the desk this list of modified amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments, en bloc, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112, en bloc, as modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 4034, AS MODIFIED

(Purpose: To state the sense of the Senate regarding limitations on the capacity of the Department of Energy to augment funds for worker and community assistance grants in response to the closure or downsizing of Department of Energy facilities)

On page 90, between lines 6 and 7, insert the following:

SEC. 320. (a) FINDINGS.—The Senate makes the following findings:

(1) The closure or downsizing of a Department of Energy facility can have serious economic impacts on communities that have been built around and in support of the facility.

(2) To mitigate the devastating impacts of the closure of Department of Energy facilities on surrounding communities, section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) provides a mechanism for the provision of financial assistance to such communities for redevelopment and to assist employees of such facilities in transferring to other employment.

(4) Limitations on the capacity of the Department of Energy to seek reprogramming of funds for worker and community assistance programs in response to the closure or downsizing of Department facilities undermines the capability of the Department to respond appropriately to unforeseen contingencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, in agreeing to the conference report to accompany the bill H.R.4733 of the 106th Congress, the conferees on the part of the Senate should not recede to provisions or language proposed by the House of Representatives that would limit the capacity of the Department of Energy to augment funds available for worker and community assistance grants under section 3161 of the National Defense Authorization for Fiscal Year 1993 or under the provisions of the USEC Privatization Act (subchapter A of chapter 1 of title III of Public Law 104–134; 42 U.S.C. 2297h et seq.).

AMENDMENT NO. 4035, AS MODIFIED

(Purpose: To set aside funds to carry out activities under the John Glenn Great Lakes Basin Program)

On page 47, strike line 18 and insert the following: "$139,219,000, to remain available until expended, of which $100,000 shall be made available to carry out activities under the John Glenn Great Lakes Basin Program established under section 455 of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21)."

AMENDMENT NO. 4036, AS MODIFIED

(Purpose: To appropriate $10,400,000 in Title I, Corps of Engineers—Operation and Maintenance for Pascagoula Harbor, Mississippi, to continue critical improvement projects)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Operations and Maintenance, General, $10,400,000 is available for the operation and maintenance of the Pascagoula Harbor, Mississippi.

AMENDMENT NO. 4037, AS MODIFIED

(Purpose: To appropriate $200,000 in Title I, Corps of Engineers, Construction, General for Gulfport Harbor, Mississippi channel width dredging)

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in Title I, Construction General, $200,000 is available for the Gulfport Harbor, Mississippi project for the Corps of Engineers to prepare a project study plan and to initiate a general reevaluation report for the remaining authorized channel width dredging.

AMENDMENT NO. 4043, AS MODIFIED

(Purpose: To set aside funds for implementation of certain environmental restoration requirements)

On page 53, line 14, before the period, insert the following: ": *Provided further*, That $1,700,000 shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), dated October 1999 (permit number 0129424–001–DF), including $1,200,000 for increased environmental dredging and $500,000 for related environmental studies required by the water quality certification.

AMENDMENT NO. 4051, AS MODIFIED

(Purpose: To set aside funds to develop the Detroit River Masterplan)

On page 47, strike line 18 and insert the following: $139,219,000, to remain available until expended, of which $100,000 may be made available to develop the Detroit River Masterplan under section 568 of the Water Resources Development Act of 1999 (113 Stat. 368).

AMENDMENT NO. 4055, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Kihei Area Erosion, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Kihei Area Erosion, HI, shall include an analysis of the extent and causes of the shoreline erosion. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4056, AS MODIFIED

(Purpose: To include additional studies and analyses in the Reconnaissance Report for the Waikiki Area Erosion Control, HI study)

Insert the following after line 13, page 58.

SEC. . Studies for Waikiki Erosion Control, HI, shall include an analysis of the environmental resources that have been, or may be, threatened by erosion of the shoreline. Further, studies shall include an analysis of the total recreation and any other economic benefits accruing to the public to be derived from restoration of the shoreline. The results of this analysis shall be displayed in study documents along with the traditional benefit-cost analysis.

AMENDMENT NO. 4058, AS MODIFIED

(Purpose: Newlands Water Rights Fund)

On page 66, between lines 11 and 12, insert:

SEC. . Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

AMENDMENT NO. 4061, AS MODIFIED

(Purpose: To provide $5,000,000 for small wind projects, including not less than $2 million for the small wind turbine development project)

On page 67, line 4, after the word "Fund:" insert the following "*Provided*, That of the amount available for wind energy systems, not less than $5,000,000 shall be made available for small wind, including not less than $2,000,000 for the small wind turbine development project:"

AMENDMENT NO. 4064, AS MODIFIED

(Purpose: To provide $2,000,000 for a linear accelerator at the University Medical Center of Southern Nevada)

On line 15, page 68, after the word ''expended:'' Insert the following: ''*Provided*, That $3,000,000 shall be made available for high temperature super conductor research at Boston College:''

AMENDMENT NO. 4079, AS MODIFIED

(Purpose: To make a technical correction in language relating to the Waste Isolation Pilot Plant)

On page 73, line 22, strike everything beginning with the word ''*Provided*'' through page 74, line 3.

AMENDMENT NO. 4080, AS MODIFIED

(Purpose: To make funds available for a study by the Secretary of the Army to determine the feasibility of providing additional crossing capacity across the Chesaspeake and Delaware Canal)

On page 53, line 8, before the colon, insert the following: ''; and of which $50,000 shall be used to carry out the feasibility study described in section 1____''.

On page 58, between lines 13 and 14, insert the following:

SEC. 1____. DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND.

(a) IN GENERAL.—The Secretary of the Army, in cooperation with the Department of Transportation of the State of Delaware, shall conduct a study to determine the need for providing additional crossing capacity across the Chesapeake and Delaware Canal.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) analyze the need for providing additional crossing capacity;

(2) analyze the timing, and establish a timeframe, for satisfying any need for additional crossing capacity determined under paragraph (1);

(3) analyze the feasibility, taking into account the rate of development around the canal, of developing 1 or more crossing corridors to satisfy, within the timeframe established under paragraph (2), the need for additional crossing capacity with minimal environmental impact;

AMENDMENT NO. 4082, AS MODIFIED

(Purpose: To express the sense of the Senate concerning the dredging of the main channel of the Delaware River)

On page 58, between lines 13 and 14, insert the following:

SEC. 1____. SENSE OF THE SENATE CONCERNING THE DREDGING OF THE MAIN CHANNEL OF THE DELAWARE RIVER.

It is the sense of the Senate that—

(1) the Corps of Engineers should continue to negotiate in good faith with the State of Delaware to address outstanding environmental permitting concerns relating to the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300); and

(2) the Corps of Engineers and the State of Delaware should resolve their differences through the normal State water quality permitting process.

AMENDMENT NO. 4092, AS MODIFIED

(Purpose: To set aside funds for activities related to the selection of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island)

On page 47, line 18, before the period, insert the following: '', of which not less than $1,000,000 shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island''.

AMENDMENT NO. 4096, AS MODIFIED

On page 52, line 10, strike ''$324,450,000'' and insert ''$334,450,000''.

On page 52, line 15, before the period insert '': *Provided further*, That of the amounts made available under this heading for construction, there shall be provided $375,000 for Tributaries in the Yazoo Basin of Mississippi, and $45,000,000 for the Mississippi River levees: *Provided further*, That of the amounts made available under this heading for operation and maintenance, there shall be provided $6,747,000 for Arkabutla Lake, $4,376,000 for Enid Lake, $5,280,000 for Grenada Lake, and $7,680,000 for Sardis Lake''.

AMENDMENT NO. 4112, AS MODIFIED

(Purpose: To set aside funds for a feasibility study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River, South Dakota)

On page 47, line 18, before the period, insert the following: '', of which $100,000 shall be made available to carry out a reconnaissance study provided for by section 447 of the Water Resources Development Act of 1999 (113 Stat. 329)''.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, as modified.

The amendments (Nos. 4034, 4035, 4036, 4037, 4043, 4051, 4055, 4056, 4058, 4061, 4064, 4079, 4080, 4082, 4092, 4096, and 4112), as modified, were agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I have additional cosponsors who were not included in the first en bloc acceptance. They are: Senator KYL on 4076, Senator KYL on 4078, Senator BINGAMAN on 4070, Senator REID on 4085, Senator DOMENICI on 4024, and Senator BINGAMAN on 4071. I ask unanimous consent that these Senators be shown as cosponsors appropriately on those amendments to which I have referred.

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

Mr. REID. I had an opportunity to speak to my friend from New Mexico that Senator TORRICELLI has called and ask for 5 minutes to speak before the vote at 8 o'clock. I ask that in the form of a unanimous consent request.

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

Mr. DOMENICI. We accommodate that.

Mr. President, we have additional amendments we are working on with various staff on both sides of the aisle that are not ready, that are still being worked on. We will continue with the hope we will have them finished before the time comes for final passage of this bill.

I yield the floor.

AMENDMENT NO. 4105

(Purpose: To prohibit the use of funds to make final revisions to the Missouri River Master Manual)

Mr. REID. Mr. President, I call up amendment No. 4105 that I offered last evening, that Senator DURBIN is now going to debate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. DURBIN, proposes an amendment numbered 4105.

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

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

The amendment is as follows:

On page 58, strike lines 6 through 13 and insert the following:

SEC. 103. MISSOURI RIVER MASTER MANUAL.

None of the funds made available by this Act may be used to make final revisions to the Missouri River Master Water Control Manual.

Mr. DURBIN. If I understand correctly, we have 20 minutes equally divided on this amendment. I will try to be brief.

I had a conversation with Senator BOND. We are perilously close to being in an agreement. I don't know if we will reach that point; perhaps we will. Let me suggest to him and to those who are following the course of this debate, I think the debate last night between Senator DASCHLE and Senator BOND was a good one because it laid out, I think, very clearly, both sides of this issue.

I come to this debate trying to find some common ground, if there is, and I don't know how much common ground one can find on a river. In this situation, we are dealing with the question of the future of the Missouri River. It is not a parochial interest; it is an interest which affects the Mississippi River and many who have States bordering the Mississippi River, and agricultural and commercial interests that are involved in the future of that river.

I listened to the debate yesterday and tried to follow it. I came to the conclusion that the Senator from Missouri was arguing that he, with his section 103, did not want to see the so-called spring rise occur next year, in the year 2001, and that was the purpose of his amendment.

It is my understanding that if we did nothing, the spring rise would not

occur anyway because there is no intention to change the manual for the river that would result in that as of next year.

The purpose of my amendment is to say that there would be no final revisions to the manual that would take place in the upcoming fiscal year, October 1, 2000, to October 1, 2001, but we would allow all of the agencies that are currently studying the future of the river and amending the 1960 manual the opportunity to consider all of the options, to have public comment, to invite in the experts.

I went through the debate, read through the CONGRESSIONAL RECORD. My colleague from Missouri, yesterday, I think, said something along these lines because he said:

> Contrary to what you just heard, [referring to Senator DASCHLE's debate] any other aspect of the process to review and amend the operation of the Missouri River, to change the Missouri River manual, to consider opinions, to discuss, to debate, to continue the vitally important research that is going on now in the river and how it can improve its habitat will continue.

The purpose of my amendment is to say let us protect that. Let us protect that study and that option. No final revision can be made to the manual that would effect the change that I think is a concern of the Senator from Missouri and others during the course of the next fiscal year. So we are preserving the right and opportunity to study the future of the river, but we are saying you cannot make a change in the manual that will change the policies on the river during that period of time.

I think that will give us an opportunity for better information and a full opportunity for public comment. We will learn more in the process from the experts and the experts include not only the environmentalists, who are very important to this discussion, but also many, many others, including those in the agricultural community and in the navigation community. All of them should have an opportunity to be part of this debate about what the manual change will be. That is what I am trying to preserve with this amendment, to try to find, if you will, a middle ground between 103 and where Senator DASCHLE was yesterday.

Let me also say that under my amendment the spring rise or low summer flows proposal would not be implemented next year. We have discussed this with the Fish and Wildlife, as well as the Corps of Engineers. It is our understanding that if you prohibit a final revision in the manual that you are not going to be able to change the manual as of next year, and there is no proposal on the table that would suggest anything is going to occur before the year 2003.

I will concede to my friend from Missouri the letter from the Fish and Wildlife Service, and one particular sentence or two in it, leaves some question. But our followup contact with the Corps of Engineers suggests they are not going to authorize a spring flow next year.

I don't know if what I am suggesting by way of an amendment will win the support of the administration. I don't know the answer to that. What I am offering is a good faith attempt to continue the study, continue the survey, and not make any changes in the policy as of the next fiscal year; but to then be prepared to look at the results, consider the public comments, and try to come up with a policy that is sound.

The Senator from Missouri and the Senator from Illinois both represent agricultural interests. We are constantly being asked to try to balance this, the commercial needs and environmental needs. Certainly the same thing applies to this debate on the history. We are trying to balance the commercial needs for navigation and the needs for environment. I think we can do it.

I think if we are open and honest and have the public comment, which the Senator from Missouri has invited, that it will occur. I will listen carefully. As the Senator from Missouri said last night during the course of the debate: Let the debates go on. We would like to see sound science. We would like to see the best information available. Fish and Wildlife has not shown it to us. I concede during the next year allowing that information to come forward.

Given the U.S. Fish and Wildlife Service currently supports the spring rise and low summer flows profile, taking it off the table for discussion is a recipe for stalemate. Let us at least have the discussion about the spring flow. I think section 103 precludes even that discussion. Let us not change the policy as to the spring flow in the next year, but let us debate it. Let's try to find what the best outcome would be for the future of the river and those who depend on it.

Proposed revisions to the manual would continue to be developed under my amendment. Studies would continue. Talks about alternatives to river management among all the river's stakeholders could continue.

In addition, we want to get the best science we can from the National Academy of Sciences, which is in the process of completing an important study on the future of the Missouri. We should not make any decisions about the future of the river until that study is released, and I think my amendment protects that possibility and gives you the opportunity during this next year to listen to the National Academy of Sciences and to try to resolve that as well as to invite public input.

The Corps is working on a lot of alternatives to managing the Missouri River. I think it is fair for us to keep these proposals, developed by farm and navigation interests and proposals developed by recreation and environmental interests, all on the table and all open to debate.

This is important to my colleague from Missouri. It is really important in Illinois as well. The Missouri River feeds into the Mississippi, and we have some 550 miles of Illinois border on that river. A lot of people depend on it. I want to make certain we do the right thing for our farmers but also for this important piece of America's natural heritage, the Missouri River and Mississippi River.

I am not here to argue about the management of the Missouri River. I am not competent to do it. But I think we have to bring the information together and make the most sound judgment we can about the future of the river, and it is that particular approach I have offered in this amendment. I hope the Senator from Missouri will consider it as a friendly amendment, a positive and constructive alternative in the debate between him and the Senator from South Dakota. I yield the remainder of my time.

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

Mr. BOND. Mr. President, I appreciate the fact the distinguished Senator from Illinois has said he did not want to see a spring rise in 2001. That basically was what my amendment did.

When I looked at his amendment, I was very much concerned that it only deals with a final revision of the master manual. What we have requested—and as he has already pointed out, it has been proposed by the Fish and Wildlife Service in a letter that I believe has already been submitted for the RECORD. If not, I will submit it again for the RECORD.

I ask unanimous consent it be printed.

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

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Denver, Co, July 12, 2000.

Brig. Gen. CARL A. STROCK,
Commander, Northwest Division, U.S. Army Corps of Engineers, Portland, OR.

DEAR GENERAL STROCK: This letter is a result of our July 10, 2000, meeting in Washington, D.C. regarding the Missouri River Biological Opinion attended by Assistant Secretary Westphal and Director Clark. The following is a summary of the discussions related to the framework of conservation measures needed to avoid jeopardizing the continued existence of listed species on the Missouri River.

The Service will recommend in our draft biological opinion a spring pulse starting point of 49.5 kcfs (+17.5 above full navigation service) during the first available water year and an annual summer low of 21 kcfs from Gavin's Point Dam. As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master

Manual is in place or other appropriate NEPA documentation. We would view this as an adaptive management step that, in conjunction with robust monitoring of the biological response, could help us refine a final set of recommendations for implementation. A robust monitoring program will be necessary to identify the desired beneficial biological responses to listed species from these interim measures and to provide a basis for any adjustments that may be necessary. Corps representatives stated during the July 10th meeting that the Corps has significant discretion regarding navigation and that there is flexibility in the 8 month navigation season. They also stated that the length of the navigation season and the flows provided during the navigation season was an ''expectation'' rather than a guarantee.

The Corps will provide a spring pulse from Fort Peck Dam as discussed in our recent Portland meetings approximately one year out of three beginning in 2002. As a test of the spillway infrastructure, the Corps will perform a ''mini-test'' in 2001. The parameters of the test will be described by the Corps in your response to this letter and will incorporate the direction agreed to from recent discussions held in Portland.

The Service will identify acres of habitat (sandbar and shallow/slow water) necessary to avoid jeopardy in the biological opinion. We believe the Corps can use existing programs and the likely expanded mitigation program to result in the creation of at least one-third of these acres necessary in the lower river system. The rest will need to be restored through additional physical modification of existing river training structures and through hydrological modification. The Service believes that a majority of the habitat can be created through hydrological modification.

The monitoring needs relative to piping plovers and least terns are currently being adequately addressed by the existing Corps program. The short-term monitoring needs relative to the Fort Peck test for pallid sturgeon have been outlined in a letter sent to the Corps on April 7, 2000. The Corps is currently assisting the Service relative to these short-term needs below Fort Peck. There is a need for a comprehensive short-term monitoring of the response of pallids to the interim flows recommended from Gavins Point. The long-term needs for pallid sturgeon monitoring throughout the system will be addressed in the draft biological opinion.

The Service has outlined the short-term propagation needs (which could efficiently be fulfilled at Garrison Dam and Gavins Point National Fish Hatcheries) necessary to reach stocking objectives in a letter dated April 25, 2000. While the Corps has indicated that they may not have authority to assist in meeting these needs at Service facilities, the Service believes that the Endangered Species Act would provide the basis for such authority. The Service has also sent a letter dated June 27, 2000, to the Corps outlining our concern that a new facility at Fort Peck Dam would not meet these short term needs.

There is agreement in principle regarding using the adaptive management approach in implementing the actions and goals identified in the opinion. There is also agreement regarding the unbalanced intra-system regulation issues. The final discussion of these two topics will be outlined in the draft biological opinion which is expected to be delivered to the Corps on or bout July 31, 2000.

The Service needs to know by July 19, 2000, if you accept the six elements discussed in this letter as being reasonable and prudent. We also need to know if you want to revise the project description to incorporate these elements or if you prefer to have them presented in the form of a RPA in a draft biological opinion.

Sincerely,

——— ———.

Regional Director.

Mr. BOND. Their July 10 letter said to the Corps—I used the term ''diktat'' as an authoritarian governmental directive. They tell the Corps of Engineers in the letter of July 12:

As an interim step, a spring pulse of 49.5 kcfs from Gavins Point during the first available water year and a summer low of 25 kcfs would be in effect each year, starting in 2001, until the new Master Manual is in place or other appropriate NEPA documentation.

Basically what Fish and Wildlife is saying is: Forget about the process. You, Corps of Engineers, start a spring rise in 2001.

That is what we are here about. We pointed out all the problems that the spring rise would provide, the fact that there are very good, scientific judgments coming out of the Missouri Department of Conservation, the Missouri Department of Natural Resources, and others, saying that a spring rise would have a harmful effect, not only on people along the river, on river transportation, but on endangered species. We have asked the Missouri Department of Natural Resources of the State of Missouri how they view the proposal by the Senator from Illinois. The director of the Department of Natural Resources has just faxed me a letter saying, in pertinent part:

Our conclusion is that the proposed Durbin amendment is not protective of Missouri's interests. Nor is it protective of Mississippi River states' interests. The amendment would allow the spring rise and ''split season'' proposal to proceed to the penultimate point of implementation—too late to be stopped or even amended.

Basically, the view of the attorney general's office and the State department of natural resources in Missouri is that striking section 103 would open up to the dangers that I laid out last night and this morning of the spring rise and the low summer flow.

If the Senator from Illinois agrees that we don't want to have that spring rise and the low summer flows next year, I suggest that we could reach a simple accommodation. Keep section 103. If he wishes to say that studies should go forward on the Missouri River, which is what I firmly believe section 103 does anyhow, we would have no objection to that. But we need to keep that underlying protection that says that you shall not, during 2001, implement the spring rise. That is the purpose of the amendment. That amendment has been in the energy and water bills 4 of the last 5 years, signed by the President.

There is no intent for us to stop the discussions. However, the National Academy of Sciences has a very narrow study on the spring rise itself. The studies that are going forward are studies which should include the proposal of the Missouri Department of Conservation which is a 41,000-cubic-feet-per-second flow of the Missouri River which they think will protect the pallid sturgeon and other endangered species and not subject the people of downstream States—Kansas, Missouri, States along the Mississippi, Illinois, down through Louisiana—from spring flooding and will not end the river transportation on the Mississippi and the Missouri.

If the only question the Senator from Illinois has is whether or not we cut off studies, I will be happy if he asks unanimous consent to change his amendment so it does not repeal section 103 and states that studies of the Missouri River master manual, all of the studies, shall continue but there will be no spring rise in 2001 as provided in section 103; then I think we can reach agreement.

The question has been raised as to whether, even with that modification, that will be acceptable to Members of this body. There are some who appeared to say that would not be acceptable to them.

The question has been raised whether the President might veto the entire appropriations bill over section 103 after having signed it for 4 years in a row. We have already shown there is strong bipartisan support in States affected by the Missouri River manual, that a spring rise would be very hazardous to the human life along the river, as well as to farmers who farm in the productive bottom lands, as well as to the water supply, as well as to river transportation.

I do not think the President will ignore the strong voices of the flood control associations, the bipartisan, strong opposition of the Democratic government of Missouri, the Democratic Governor and mayors of Kansas City and St. Louis who would be subjected to the dangers of flooding from a spring rise.

The President will have to look at the concerns of the people downstream. I think he will realize the scheme is too risky as a result of the action we took today. If the President realizes we are not going to accept the risky scheme of a controlled flood, then maybe we can avoid the need for a vote.

If the distinguished Senator from Illinois wants to leave section 103 and work with us to craft an amendment which says that investigations can continue, which is what I believe section 103 will do, if we can muster even greater support, then we will have much less a danger of having this bill vetoed.

With that in mind, I am happy to work with the Senator from Illinois because his State is at risk of flooding. A

spring rise on the Missouri can threaten flooding in Illinois. A low flow on the Missouri River in the summer and in the fall in navigation season not only threatens and ends barge transportation on the Missouri River, but it puts at risk the river transportation on the Mississippi which carries a very significant bulk of the grain going to the export market.

If that is what we are talking about, if we can assure that studies will continue—and I am concerned about the language of his amendment saying we cannot have a final master manual development—that master manual could be implemented so long as it does not include the spring rise—if he is willing to do that, then I say we are on the same page. But I cannot accept and certainly our State governments, the agencies directly involved in the Missouri, cannot accept striking 103.

We went through that battle. We spoke, I thought, with a majority vote, saying there shall be no implementation of a spring rise during the year covered by the bill, which is 2001. If we keep that in place, then I will be happy to work with the distinguished Senator from Illinois to fashion a new section 104 which at least makes clear the agreement we may have reached.

However, if the Senator still feels the need to strike 103, I have to say that is what we voted on; we have been through this. That is the risky scheme of a controlled flood that we cannot accept, and I do not believe, nor do people in the State of Missouri believe, that his amendment standing alone, unmodified, will do that.

I hope, having voted on this and having had the opportunity to tell our colleagues a whole lot more about the Missouri River manual than they ever wanted to know, we might be able to avoid having them vote again. If they vote again, I say to those who supported us, I wish them to continue to support section 103.

If the Senator from Illinois will accept keeping section 103 and work with us to craft a section 104 that further clarifies it, I will be happy to do so. Otherwise, I will just ask all the people who voted with us this morning to vote with us again in opposition to the Durbin amendment.

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

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

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

Mr. DOMENICI. Mr. President, I understand where we are, and we will be ready with the remaining amendments very soon. Since there is time remaining, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, we are about to adopt a bill tonight commonly known as the energy and water appropriations bill, but everybody should know that, at a minimum, it is an interesting set of words—''energy and water.'' On the other hand, it is even more than an interesting set of words. There is a great irony with reference to this bill.

First of all, believe it or not, by precedent, this bill contains all of the nuclear weapons research and development, preservation, and manufacturing, and along with it are all the water projects—the Corps of Engineers, the Bureau of Reclamation, and all the waterways—and a whole group of nondefense-related science research projects.

What has happened over the years, it seems to this Senator, is that piling these kinds of programs together and then limiting the amount of money has, over time, yielded more attention to the water projects because there are hundreds of House Members concerned, and rightly so, and scores of Senators concerned, and here is our great nuclear weapons program. We have stood before the world and thanked our great scientists because they do not belong to the military. These are free-minded Americans, some who have worked for 40 years and are still at Los Alamos as the nucleus of scientists who understand the nuclear weapons.

What I tried to do in the last few years is build a wall in the bill between the defense money and the nondefense money so we can move ahead with some of the things that are so desperately needed for the nuclear activities of this country, especially since we continue to say we have to compete in that area in the world until we have no more nuclear weapons, which we hope will occur sometime.

In spite of this wall, and trying to hold the defense money harmless from domestic spending, what has happened this year in the House allocations just beats anything you could imagine. For the House decided to underfund both, believe it or not. They decided to underfund the President's defense requirements and underfund his nonnuclear, nondefense projects. We cannot expect to get a bill based on those numbers.

I submit the Senate would have a lot of difficulty accepting that bill that would come from those kinds of numbers. Thanks to Senator STEVENS and Senator BYRD, they have allocated $600 million more on the defense nuclear side than the House. And we are still short somewhere between $300 and $400 million for the water projects. So many of you Senators know that your water projects could not be accepted.

We understand there are some new projects that have been new for 5 years, maybe some for 7. It is awful to still call them new, but they have not been started, so we call them new, and we cannot fund them. We are going to try to get some additional resources because every subcommittee is being helped along. If we can, we can do better when we come back.

But I want to just share a couple things that I think everybody should know.

There are two huge problems that exist with reference to our nuclear weapons activities and personnel and physical plant—where they live and work and do the kinds of things that keep us up there, where we can certify to the President of the United States, from these three nuclear labs, that our weapons are safe and will do what they are supposed to do. These lab directors—civilians—certify that based on what they have in their laboratories.

To give you an example of how bad off we are on physical plant, I just want to cite to you a situation that you would find unbelievable at Y–12 over at Oak Ridge National Laboratory.

I say to the Presiding Officer, part of that is nondefense, as you well know. But part of it is defense and related to nuclear weapons. If you went there tomorrow and said: The subcommittee that funds this asked me to come and take a look at one of the big buildings in Y–12 that has some roofing problems, the first thing they would do to you, Mr. President—especially considering the condition of your scalp, where you have no protection from hair—they would put a helmet on you as soon as you walked in this building. Did you know that? A helmet. And you would say: What's that for? And they would say: Well, distinguished Senator, it is because if you walk around this building, the roof falls in on you in pieces. So we don't want to hurt you. Even though you're not doing anything that is harmful down here in your job, the roof falls in on you in pieces.

This is a building, owned by the Department of Energy, which does nuclear deterrent work for the U.S. Government. It is a shame. We are repairing it. We are putting the money in this year. But just as we do that, there are 40- and 50- and 60-year-old buildings that are part of the complex that we still have alive in some of our laboratories, from the very first Manhattan Project, whenever that was. We have not rebuilt them.

So scientists are finding it difficult, in today's America, to continue working at some of our labs. We need a major new program if we are going to maintain this situation of safe and reliable nuclear weapons, with whatever number of warheads. We need a program to start replacing these buildings. Either we are serious about this—

we want the very best for our best scientists—or we do not.

The second thing is there is a huge morale problem among the very best scientists, who have been with us a long time and know everything one could know about our nuclear weapons. There is a serious problem that is objectively recorded that says the young brilliant scientists coming out of our schools with Ph.D.s and post-docs are coming to the laboratories in smaller and smaller numbers per year when we go out to try to encourage them to come. In fact, it is tremendously off this year.

The morale problem is so bad that the superscientists are beginning to quit. They are being offered an enhanced retirement program by the University of California. The professors and the university want this program because the University has too many senior professors. They need to tenure more new professors. But when this University program comes along it applies to the great scientists, too, at our laboratories.

There is a morale problem built around the FBI and Justice Department from this last episode at Los Alamos, making a whole group of scientists in one of the most secret, most sophisticated, most important operations in nuclear weaponry in America feel as though they are criminals. They just do not appreciate this. They do not like that. Some of them have been there 35 years. They just do not like the FBI treating them all like criminals or even suggesting that, as patriotic scientists, they ought to take their lie detectors and be treated as if there is some criminal in their midst. Frankly, some have decided they are just not going to do that.

I do not know where that ends up, but I submit it ought to end up soon for those who are threatened by prosecution from that last episode of a hard drive being found behind some kind of a multipurpose machine. If there is no evidence of spying and no evidence of distributing information, they ought to get on with this. They ought to get on with it. They ought to even talk to some of these scientists, who have been working for us 30, 40 years, about their attorney's fees, because every one of them has been looked at, and told: You might be the one we're looking for. It couldn't be all of them.

When you put that kind of thing out, it labels everybody in a national laboratory. It includes our most patriotic nuclear physicist, who is one of the greatest design people in all of nuclear history. You are telling him: We are not quite sure about all this, but you may be the one, you could go to jail for 24 months—or whatever number is used. There is no spying. So why don't we get on with it? I have not said this publicly, but I thought I would use this opportunity tonight.

It is serious business. Did you know that we keep saying the only thing the Soviet Union is doing well, in spite of their economic depression and all the rest, is to maintain a pretty adequate and sophisticated nuclear delivery system? I could spend the evening telling you about the difference between the two.

They can maintain their weapons much easier than we can keep ours, because they make nuclear weapons differently. We make them sophisticated, complicated, and that is part of their greatness. They make them simple, robust, and re-make them very often, like every 10 years. They are not as worried about us. We keep them for many years, and then we try to prove they will last longer with this new program we are funding called the Stockpile Stewardship Program.

That is my little summary. There is much more to talk about. I thought it would be good tonight to put in perspective the significance of this bill. It is not just for the harbors of America. It is for those laboratories and plants that harbor the scientists, the manpower, and the equipment to keep our nuclear weapons on the right path. That is pretty important stuff, it seems to me.

My job is to make sure everybody at least understands part of it, so they will help us get out of the dilemma we are in and have a much more robust, much more positive atmosphere around these laboratories soon.

In conclusion, there is a new man in charge. We ought to be hopeful. General Gordon has been put in charge of this under the new law which you helped us with, I say to the Presiding Officer—and many did—which put one person in charge of the nuclear weapons aspects at the DOE. We are so fortunate we got a four-star general, CIA oriented, Sandia Lab-trained individual who in retirement took this job. If it is going to be fixed, he will fix it.

With that, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4105, WITHDRAWN

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for up to 2 minutes and at the end of that time to withdraw my amendment, if there is no objection.

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

The Senator is recognized.

Mr. DURBIN. Mr. President, I would like to thank the Senator from Missouri, Mr. BOND, as well as Senator REID and representatives from Senator DASCHLE's staff.

We just had a floor conversation about section 103, which has been the subject of great debate over the last several days. We are, as I said, close to at least common ground on the floor, but I do not believe we are at a point where we can put language in the bill to solve the problem between the administration and the committee. It is my heartfelt intention to work with Senator BOND, Senator DOMENICI, and Senator REID to try to do that.

This is an important bill. We don't want to go through and veto, have a return of the bill, if we can work it out. I hope we can. But I don't believe my amendment, in and of itself, is going to solve that problem this evening. Instead, I would like to, at the end of my remarks, ask unanimous consent to withdraw the amendment, and pledge between now and the conference and thereafter to work with all of the principals involved to see if we can work out the important question about the future of the Missouri River and the debate that took place both yesterday and today.

Mr. President, I ask unanimous consent to withdraw amendment No. 4105.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Illinois and my friend from Missouri, I appreciate very much, as I am sure Senator DOMENICI does, resolving this temporarily at this time. Hopefully, the temporary delay will allow us, by the time we get to conference, to have a solution to the problem which will allow all parties to be satisfied. I appreciate very much Senator BOND, who is a veteran in State and national politics, understanding the quandary we are in tonight. I say the same to the Senator from Illinois, who is the epitome of a good legislator.

Senator DOMENICI and I will do everything we can, before conference and in conference, to try to resolve this matter finally. We recognize there is a veto threat on this bill, so it is in our interest to try to work something out also.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to both Senators, I very much appreciate their efforts. I think while they were talking, I was expressing to anyone who wanted to listen my heartfelt concerns about this bill in terms of the future of our nuclear weapons.

It would not be good if we wasted a year operating under last year's levels or operating under some kind of a veto. I join in not knowing what the veto threat really means. Nonetheless, it would be marvelous if we could work it out to their satisfaction so in some way the issue were resolved.

There is going to be a year hiatus, one way or another, when nothing is going to happen. I don't think the President is going to be able to deny us that. But I think if we worked it out where everybody understood and maybe we could convince him that that is a good idea—that means his council on environmental quality and others—it would be a very good thing for the United States. I hope it works out.

I compliment Senator BOND this evening and earlier on this bill. I think he made a very strong case. It is pretty obvious this is a difficult issue. As he knows, I have been on his side. I have similar problems with endangered species and other things out in the West. We don't have enough water. All our rivers combined don't equal the Missouri River. I think that is a pretty fair statement—maybe even half the flow for all of ours that we have. We don't quite understand how the Missouri River is a problem. We see it as something fantastic. One time we tried to get a little bit of it, take it west, and Scoop Jackson stood in the way, I guess, from the State of Washington.

Anyway, I thank the Senator for what he has done. There is not going to be a vote tonight on that issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the cooperation of the Senator from Illinois, with whom I think we have reached an agreement that there should not be a spring rise in 2001.

I believe there are some areas that go beyond the existing section 103 on which we might be able to satisfy some of the legitimate concerns raised by the minority leader. He was concerned about the possibility of cutting off debate, cutting off all consideration of other issues relating to the Missouri River manual. That was not our intent. If we can add language that will clarify that, maybe it will at least satisfy some of these problems.

Also, we have a Governor and we have other congressional Members from States affected who might want to communicate with the White House about the workability of this.

To the Senator from New Mexico and the Senator from Nevada, I appreciate the difficulties they faced. They have both been most accommodating on these issues. We don't want to make life more difficult for them. The Senator from New Mexico may not have river problems, but he has had controlled burn problems. We want to make sure we don't have a controlled flood problem.

I am delighted we don't have to ask our colleagues to vote again on this issue tonight. I think there may be further clarification that might satisfy some of the concerns that were raised, certainly by the minority leader. I will be happy to work with them.

On behalf of the State of Missouri and the people of the State of Missouri, I express my appreciation to this body for making it clear that there will not be a controlled flood on the Missouri River or abnormally low flows during the summer of 2001, the year to which this appropriations bill applies.

As always, we are more than happy to work with the committee leaders in trying to resolve these problems in the future. I thank my colleagues for their understanding of the importance of this issue to the people I represent.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe I have a unanimous consent request pending to withdraw amendment No. 4105.

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

The Senator from New Jersey is recognized.

AMENDMENT NO. 4109, AS MODIFIED

Mr. TORRICELLI. Mr. President, I have an amendment, No. 4109, filed with the clerk. It is my understanding that will be in the manager's package. I do not, therefore, call it to the floor of the Senate at this time.

I do wish for a moment to discuss with my colleagues the merits of this legislation and to thank the Senator from New Mexico and the Senator from Nevada for their cooperation and their assistance.

Within this legislation is $27 million to deepen and widen the main channel of the Delaware River. To the city of Philadelphia, the city of Camden, and the States of New Jersey, Delaware, and Pennsylvania, this is of some considerable importance. The Delaware River is a major artery of maritime commerce. I have always supported, and I will always support that river being efficient and available to maritime traffic, but there are serious problems.

When this legislation was considered in the House, my colleague, Representative ANDREWS from southern New Jersey, with the support of Congressman KASICH, offered an amendment to strike this funding. I will not do that tonight because I believe, first, the votes are not available and, second, I still hope the general problems with this dredging can be solved.

The problems are relatively simple. The U.S. Army Corps of Engineers has proposed to dredge 33 million yards of material from the Delaware River. Three States will benefit by this dredging. Primarily the benefits will go to Philadelphia and the State of Pennsylvania, simply based on the size of the economic activity in the region by these States comparatively. Ten million of these 33 million yards will be used to replenish beaches in the State of Delaware. Twenty-three million yards will be placed on prime waterfront property in the State of New Jersey. Ten million goes to Delaware; 23 million occupies prime real estate in the State of New Jersey. And although the principal economic benefits of the dredging are for the city of Philadelphia, none—I repeat, not an ounce—of the material goes to the State of Pennsylvania.

Now I recognize we all have to share the burden, and we may not share the burden equally; it may not be shared proportionally to the economic benefit. But certainly accepting nothing, while the State of New Jersey takes the overwhelming majority of the material, cannot be right and it cannot be fair. Let me make clear that Senator SPECTER and Senator SANTORUM have been remarkably helpful in this matter. They have understood the inequity. They want the three States to work cooperatively. I am very grateful to both of them that, while protecting the interests of their State first and foremost, they have been good neighbors and have been cooperative.

I believe there are solutions to this problem: Primarily, ironically, that while this material is being dumped on the shorelines of New Jersey to our disadvantage, there is an enormous desire by construction companies and others in land development to have this material available.

It is a strange and ironic, even tragic, situation. I hope by this experience, which is also happening in the Port of New York, the Army Corps of Engineers will begin to understand and learn from the situation. Contracting companies, land development companies, major corporations, and communities want this material. Market it, sell it, use it, but no longer use it as if it is a waste material to be dumped on valuable real estate, on the unwanted.

Because of that, in my amendment, we reserve $200,000 for the Army Corps of Engineers to begin actively marketing this material for private and public projects—from road projects in south Jersey, to the future expansion of the Philadelphia Airport, to new construction in Atlantic City, there are willing users, even buyers. This $200,000 can go a long way to solving this problem. Particularly, I thank Senators SPECTER and SANTORUM for their help and cooperation. Of course, to Senator BIDEN, the Senator from New Mexico, and the Senator from Nevada, I am grateful that this is being put in the managers' amendment. I thank them for this time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I will withhold that. We are within a few minutes of having the last amendments ready that we have been working on collectively and collaboratively. Then we will be ready for final passage very soon.

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

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

AMENDMENTS NOS. 4017, 4044, 4059, 4089, 4099, 4110, AND 4111, EN BLOC

Mr. DOMENICI. Mr. President, I want to add to the list of managers' agreed-to amendments, all of which are filed and at the desk, starting with Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111.

I ask unanimous consent that they be considered en bloc and agreed to en bloc.

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

The amendments (Nos. 4017, 4044, 4059, 4089, 4099, 4110, and 4111) were agreed to en bloc, as follows:

AMENDMENT NO. 4017

(Purpose: To authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes)

On page 66, between lines 11 and 12, insert the following:

SEC. 2___. USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NONPROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

AMENDMENT NO. 4044

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking ''2000'' and inserting ''2009''.

AMENDMENT NO. 4059

(Purpose: To provide $3,000,000 for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation)

On line 4, page 67, after the word ''Fund:'' Insert the following:

''Provided, That $3,000,000 shall be made available for technology development and demonstration program in Combined Cooling, Heating and Power Technology Development for Thermal Load Management, District Energy Systems, and Distributed Generation, based upon natural gas, hydrogen, and renewable energy technologies. Further, the program is to be carried out by the Oak Ridge National Laboratory through its Building Equipment Technology Program.''

AMENDMENT NO. 4089

(Purpose: To set aside funding for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study)

On page 68, line 15, strike ''expended:'' and insert ''expended, of which $500,000 shall be available for participation by the Idaho National Engineering and Environmental Laboratory in the Greater Yellowstone Energy and Transportation Systems Study:''.

AMENDMENT NO. 4099

(Purpose: To extend the authority of the Nuclear Regulatory Commission to collect fees through 2005 and improve the administration of the Atomic Energy Act of 1954)

On page 97, between lines 14 and 15, insert the following:

TITLE ____—NUCLEAR REGULATORY COMMISSION

Subtitle A—Funding

SEC. ____01. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking ''September 30, 1999'' and inserting ''September 20, 2005''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or certificate holder'' after ''licensee''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AGGREGATE AMOUNT OF CHARGES.—

''(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

''(i) amounts collected under subsection (b) during the fiscal year; and

''(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

''(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

''(i) 98 percent for fiscal year 2002;

''(ii) 96 percent for fiscal year 2003;

''(iii) 94 percent for fiscal year 2004;

''(iv) 92 percent for fiscal year 2005; and

''(v) 88 percent for fiscal year 2006.''.

SEC. ____02. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. ____03. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2000, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

Subtitle B—Other Provisions

SEC. ____11. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. ____12. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. ____13. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by adding at the end the following:

''(d) APPLICABILITY.—Subsection (c) shall not apply to an application for a license to construct or operate a utilization facility under section 103 or 104(b) that is pending on or that is filed on or after the date of enactment of this subsection.''.

SEC. ____14. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Nuclear Regulatory Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of the gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. ____15. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section ____14(b)(1)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''(k) authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Nuclear Regulatory Commission, or a contractor of the Department of Energy or Nuclear Regulatory Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of contents of chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section ___14(b)(2)) is amended by adding at the end the following:

''Sec. 170D. Carrying of firearms.''.

SEC. ___16. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. ___17. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility.''

AMENDMENT NO. 4110

(Purpose: To redesignate the Interstate Sanitation Commission as the Interstate Environmental Commission, and for other purposes)

At the appropriate place, insert the following:

SECTION 1. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT.

(a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the ''Interstate Sanitation Commission'', established by article III of the Tri-State Compact described in the Resolution entitled, ''A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission'', approved August 27, 1935 (49 Stat. 933), is redesignated as the ''Interstate Environmental Commission''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the ''Interstate Sanitation District'', established by article II of the Tri-State Compact described in the Resolution entitled, ''A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission'', approved August 27, 1935 (49 Stat. 932), is redesignated as the ''Interstate Environmental District''.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

AMENDMENT NO. 4111

On page 68, line 21 after the word ''program'' insert the following:

''; Provided Further, That $12,500,000 of the funds appropriated herein shall be available for Molecular Nuclear Medicine.''

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4041, AS MODIFIED

Mr. DOMENICI. Mr. President, I am going to send about four amendments that have been modified and agreed to.

I send amendment No. 4041, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. GRAMS, proposes an amendment numbered 4041.

Mr. DOMENICI. 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 Secretary of Energy to submit to Congress a report on impacts of a state-imposed limit on the quantity of spent nuclear fuel that may be stored onsite)

On page 90, between lines 6 and 7, insert the following:

SEC. 3___. REPORT ON IMPACTS OF A STATE-IMPOSED LIMIT ON THE QUANTITY OF SPENT NUCLEAR FUEL THAT MAY BE STORED ONSITE.

(a) SECRETARY OF ENERGY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal Government to allow the Company to continue to operate the Prairie Island Nuclear Generating Plant until the end of the term of the license issued to the Company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the Plant, assuming that existing Federal and State laws remain unchanged.

Mr. DOMENICI. Mr. President, I yield any time I might have.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4041), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4060, 4087, 4091, 4108, 4109, AND 4113, EN BLOC, AS MODIFIED

Mr. DOMENICI. Mr. President, I send amendments that are at the desk that

have been modified: Amendment No. 4060, as modified; modification of amendment No. 4087; modification of amendment No. 4091, all of which are printed and at the desk; amendment No. 4108 as modified; amendment No. 4109, as modified; and amendment No. 4113, as modified.

I send them to the desk and ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The amendments (Nos. 4060, 4087, 4091, 4108, 4109, and 4113) were agreed to en bloc, as follows:

AMENDMENT NO. 4060, AS MODIFIED

(Purpose: To prohibit the use of funds to promote or advertise any public tour of a facility or project of the Department of Energy)

On page 90, between lines 6 and 7, insert the following:

SEC. 3_____. LIMITATION ON USE OF FUNDS TO PROMOTE OR ADVERTISE PUBLIC TOURS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds made available under this title shall be used to promote or advertise any public tour of Yucca Mountain facility of the Department of Energy.

(b) APPLICABILITY.—Subsection (a) does not apply to a public notice that is required by statute or regulation.

AMENDMENT NO. 4087, AS MODIFIED

(Purpose: To extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from the Glendo Reservoir)

At the appropriate place in the bill, insert the following new section and renumber any remaining sections accordingly:

"SEC. _____. AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998.

(a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105–293, is amended by striking the date ''December 31, 2000'', and inserting in lieu thereof the date ''December 31, 2003.'';

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Pub. L. No. 105–293, is amended by:

(1) striking the phrase ''not to go beyond December 31, 2001'', and inserting in lieu thereof the phrase ''not to go beyond December 31, 2003''; and

(2) striking the phrase ''terminates prior to December 31, 2000'', and inserting in lieu thereof ''terminates prior to December 31, 2003.''

AMENDMENT NO. 4091, AS MODIFIED

(Purpose: To provide funding for a flood control project in Minnesota)

On page 52, line 2, insert the following before the period:

''Provide further, That $500,000 of the funding appropriated herein shall be used to undertake the Hay Creek, Roseau County, Minnesota Flood Control Project under Section 206 funding.

AMENDMENT NO. 4108, AS MODIFIED

(Purpose: To direct the Administrator of the Environmental Protection Agency to develop standards for evaluating dredged material for remediation purposes at, and to provide funding for a nonocean alternative remediation demonstration project for dredged material at, the Historic Area Remediation Site, New Jersey)

On page 58, between lines 13 and 14, insert the following:

SEC. 1. APPROPRIATION FOR ALTERNATIVE NONOCEAN REMEDIATION SITES.

The Secretary of the Army may use up to $1,000,000 of available funds to carry out a nonocean alternative remediation demonstration project for dredged material at the Historic Area Remediation Site.

AMENDMENT NO. 4109, AS MODIFIED

(Purpose: To set aside funds to establish a program for direct marketing of certain dredged material to public agencies and private entities)

On page 53, line 8, after ''facilities'', insert the following: '', and of which $150,000 of funds made available for the Delaware River, Philadelphia to the Sea, shall be made available for the Philadelphia District of the Corps of Engineers to establish a program to allow the direct marketing of dredged material from the Delaware River Deepening Project to public agencies and private entities''.

AMENDMENT NO. 4113, AS MODIFIED

(Purpose: To set aside funding for an ethanol demonstration project)

On page 67, line 4, strike ''Fund:'' and insert ''Fund, and of which $100,000 shall be made available to Western Biomass Energy LLC for an ethanol demonstration project:''.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, does Senator REID have anything further to add?

Mr. REID. Mr. President, I want to express my appreciation to the chairman of the Budget Committee and to the chairman of this subcommittee for the great work he has done. He has been a pleasure to work with.

I also express my appreciation to your very excellent staff. David Gwaltney and Lashawnda Smith have been tremendous to work with. My staff complimented them through me on many occasions.

I also want to thank Steve Bell, chief of staff; and Drew Willison has done such a brilliant job, assisted by your detailee from the Army Corps of Engineers from Vicksburg; and Elizabeth Blevins of the subcommittee staff.

Mr. DOMENICI. Mr. President, I have already mentioned today and on another occasion the importance of this bill. I thank all Senators for cooperating. We did our very best on the numerous amendments, and we will do our very best in conference. Everyone knows we are very short of money on the nondefense side. If we can get some assistance from the appropriations committee, we will be able to help solve many of these problems in conference.

In the meantime, I want to say to Senator REID that it is always a pleasure to work with him. We will go to conference and do the best we can.

I want to thank Drew Willison of Senator REID's staff. He is a tremendous asset, and we very much like working with him.

I thank the Senator for his thanks to the two members of my staff. They are truly professional, and I am very grateful to them.

Mr. President, we have nothing further. I ask for the yeas and nays on final passage of this bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DREDGING OF THE DELAWARE RIVER

Mr. TORRICELLI. Mr. President, I wish to enter into a colloquy with the distinguished Senators from our neighboring state of Delaware, Senators ROTH and BIDEN. Each of us has communicated with members of the Appropriations Committee on a matter of deep concern to us and our constituents that has been included in the FY 2001 Energy and Water Development Appropriations bill. The Army Corps of Engineers' Delaware River Deepening Project seeks to deepen over 100 miles of the Delaware River channel from the current authorized 40-foot depth to 45 feet. The project would dredge 33 million cubic yards of bottom sediments, placing some 23 million cubic yards in dredge disposal areas in New Jersey, and 10 million cubic yards along Delaware shores.

This project continues to be highly controversial in our states for a number of reasons. First, there remain significant environmental concerns regarding the material to be dredged and its ultimate disposal and impacts on the environment of the Delaware Bay. The Corps of engineers has been criticized for its method of evaluating toxic and polluted sediments—using an averaging method, which many believe can mask the potential impact of dredging toxic hot spots and more concentrated polluted material. Our citizens continue to have strong concerns about the impacts of dredging and disposal on water quality, on drinking water supplies, on important recovering shellfish areas, and on the environment in the vicinity of proposed disposal areas.

A number of members of the New Jersey and Delaware congressional delegations and state agencies have made requests to the Corps of engineers to address a number of these issues. Earlier this year, Representative Andrews and I made a request to the General Accounting Office to conduct a review of the cost-benefit and environmental analyses in light of many of the concerns that have been raised about this

project. In addition, Representatives SAXTON and LOBIONDO also sent a similar request to the GAO regarding the economic and environmental issues regarding the Delaware Deepening project. The GAO responded that it could not conduct and complete the study as quickly as would be necessary for conclusions to assist in the consideration of the FY 2001 Energy and Water Development Appropriation.

I want to state here that I intend to continue to pursue these issues and over the course of the next several months to engage the General Accounting Office, the Army Inspector General, the Army Corps of engineers, and any other appropriate agencies to get answers to the questions that I believe are critical to my constituents. For the record, Mr. President, I would like to enter into the record copies of study requests made by members of the New Jersey delegation to the General Accounting regarding the Delaware River Main Channel Deepening project.

If I may address the distinguished senior Senator from Delaware, have you not also made known your concerns to the Committee on Appropriations and to the Army Corps of Engineers?

Mr. ROTH. I thank the gentleman from New Jersey and I would answer his question, indeed we have.

In May of this year, Senator BIDEN and I wrote to the Chairman of the energy and Water Development Appropriations Subcommittee, the distinguished Senator from New Mexico, indicating that the response of the Corps of Engineers to the list of concerns raised by the State of Delaware's Department of Natural Resources and Environmental Control regarding necessary permitting, environmental studies, and environmental protection has been entirely inadequate. In our letter, we indicated that this project must not proceed until environmental information and permitting concerns raised by Delaware's Department of Natural Resources and Environmental Control are satisfactorily addressed by the Army Corps of Engineers.

As a strong supporter of the Coastal Zone Management Plan, I am concerned about the potential environmental impacts of the proposed channel deepening. I strongly urge the Corps to continue negotiating in good faith with the State of Delaware to resolve outstanding informational and permitting issues through a legally enforceable agreement that will safeguard Delaware's natural resources. If an agreement cannot be reached through good faith negotiations, then the State of Delaware should pursue this matter in court.

Mr. TORRICELLI. I thank the Senator for that clarification. Does that also describe the concerns and sentiments of the Senator from Delaware, Senator BIDEN?

Mr. BIDEN. I thank the Senator from New Jersey and the senior Senator from Delaware for their remarks, and wish to indicate my concurrence with the points that they have made. I have had questions about this project, the planning process, its economic justification, and the potential for environmental harm for a number of years. I further understand that the State of Delaware's capital bond bill committee in July indicated in writing its intention to withhold all state money for the Deepening project until the State's Department of Natural Resources and Environmental Control is satisfied and necessary permits obtained.

I believe we need to continue to pursue a resolution to these environmental issues and that the Corps should not move forward to construction unless and until appropriate permits have been issued, and the Congress has before it the information needed to determine that the project is safe and truly justified.

I ask unanimous consent to print in the RECORD, several letters from the Delaware DNREC which discuss the State's concerns.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, May 2, 2000.

Mr. DAVID WALKER,
Controller General, General Accounting Office, Washington, DC.

DEAR MR. WALKER: We are writing to request that a cost-benefit and environmental analysis be conducted as soon as possible on plans by the Army Corps of Engineers (ACOE) to bring the depth of the Delaware River to 45 feet. This channel deepening project was authorized as part of the Water Resource Development Acts of 1992 (section 101(6)) and 1999 (section 308).

The Plan is estimated to cost $311 million, two-thirds of which would be provided by the federal government. Proponents of the Plan argue that the channel needs to be deepened to accommodate the next generation of cargo ships and that cost saving benefits will be realized by area oil refineries. However, many of our constituents have called into question these benefits and the necessity of channel deepening in keeping the port competitive. Therefore, we are eager to identify the benefits of this project to the nation, and whether these justify the taxpayer cost.

In addition to this central and legally mandated issue of national benefit, we would like to request an analysis of three additional issues by the General Accounting Office (GAO).

First, there is a question as to whether the project sponsors have complied with all of the provisions of the National Environmental Policy Act (NEPA). The Environmental Impact Statement associated with this project appears to be deficient in five ways: (a) there was no assessment of the ecological issues pertaining to the disposal sites for dredged materials because the sites were not identified when the EIS was done: (b) there was no assessment of the impact of any dredging of the private berths of the oil refinery (if any takes place) which is functionally a part of this project; (c) the habitat assessment part of the EIS may not adequately assess the impact of the project on essential fish and oyster habitats; (d) ''used mean values'' (averages) were improperly used to assess the level of toxins in River sediment and in so doing masked the existence of toxic ''hot spots''; and (e) threats to drinking water supplies and water quality have yet to be adequately analyzed and addressed.

Second, the Delaware dredging project reportedly will produce 33 million cubic yards of dredged materials. Ten million yards are scheduled to be used for beach restoration in the State of Delaware. The remaining 23 million cubic yards will simply be dumped on the New Jersey side of the river.

With little effort, the planners of this project were able to find a beneficial use for 10 million cubic yards of this material. We are concerned that insufficient efforts has been made to find more beneficial uses for the remaining 23 million cubic yards and that New Jersey has been asked to bear too great a burden in its disposal. Thus, we request that the GAO look at both the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the riverfront of these New Jersey communities.

Third, we also ask the GAO to investigate why almost no commitments have yet been received from the businesses who stand to benefit from this dredging. The argument has been made that this project is necessary to keep shipping commerce on the Delaware River. Yet few of these businesses have made commitments to dredge their ports on the Delaware River to match the depth of the main channel. If these businesses truly need this project, we are curious as to why they are not also working to make room for the larger ships this project is meant to accommodate.

As you can see, there are still many questions to be answered regarding this project. Time is of the essence. Congress will consider as part of its FY 2001 Appropriations cycle future funding for this project. It is imperative that this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis and evaluation of environmental impacts in a timely manner. Thank you in advance for your efforts and we look forward to your report.

Sincerely,

ROBERT G. TORRICELLI,
United States Senator.
ROBERT E. ANDREWS,
Member of Congress.

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2,
New York, NY, June 30, 1999.

Mr. ROBERT CALLEGERI,
Director, Planning Division, U.S. Army Corps of Engineers/Philadelphia District, Wanamaker Building, Philadelphia PA.

DEAR MR. CALLEGERI: I am writing in reference to the proposed Delaware River Main Channel Deepening Project. In particular, we have recently become aware of potential issues associated with the project through letters from the Delaware River keeper, and discussions stemming from the April 16, 1999 forum facilitated by the Delaware River Basin Commission, as well as the June 11, 1999 meeting convened by Congressman Castle's office.

We have carefully considered these issues. For the most part, we do not believe that they necessitate revising the conclusions reached in the previous environmental impact statement (EIS) process for the project. However, we believe that the following two

issues require further consideration and effort prior to the project proceeding: the project's benefit/cost (B/C) ratio and environmental issues raised which may not have been fully evaluated or resolved during the prior planning process.

With regard to the project's B/C ratio, the original project scope included six petroleum facilities as project beneficiaries. Consequently, the benefits to these facilities were included in the project's B/C ratio. However, we have seen no documentation that any of these facilities plan to dredge their private channels. To the contrary, the limited documentation we have indicates that one or more of the petroleum companies believe that it is not in their best economic interest to participate. Accordingly, we would like to see additional documentation showing any commitments made by the companies involved and more explanation of how their participation (or lack thereof) affects the B/C ratio calculations. Moreover, if these facilities are not committed to participate, we would argue that the scope of the project would be modified, which would require the Corps' to recalculate the B/C ratio.

In addition to the economic questions, numerous environmental concerns about the project continue to be raised. While we believe that many of these concerns have been adequately addressed through the prior EIS process, there may be a need for additional environmental analyses for certain issues not fully covered in the prior EIS documentation. For example, impacts related to the dredging of the private facilities discussed above and several port facilities owned or operated by the local sponsors, and potential impacts associated with the development of new sites for dredged material disposal were not fully evaluated in the original EIS. Accordingly, these activities will have to be evaluated under NEPA.

Our final concern about the project relates to the potential impacts associated with the dredging and disposal operations. EPA, however, believes that these impacts can, and should, be addressed through the development of specific monitoring/management plans for the various dredging and disposal phases of the project. The plans should be developed to address specific goals and objectives designed to detect and prevent adverse impacts from the proposed dredging and disposal operations. At a minimum, monitoring for turbidity changes using in situ recording devices during dredging and disposal operations, bathymetry and sediment profiling imagery at the aquatic disposal locations, and ground water monitoring should be included. Additionally, the monitoring/management plans should provide for appropriate contingency actions in the event that unforeseen circumstances (e.g., high levels of contaminants) are encountered during the dredging and disposal operations. We are available to assist as necessary in the development of monitoring/management plans. At the very least, we request the opportunity to review such plans as they are being developed. Furthermore, the monitoring/management plans must be in place prior to the start of any dredging activity.

We look forward to working with you as this project progresses. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637–3789.

Sincerely yours,

ROBERT W. HARGROVE,
Chief, Strategic Planning and Multi-Media Programs Branch.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2000.

Mr. DAVID WALKER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. WALKER: On May 2, 2000, Representative Robert Andrews and Senator Robert Torricelli wrote to you requesting the General Accounting Office (GAO) review the cost-benefit and environmental analysis of the U.S. Army Corps of Engineer's (USACE) project to dredge the Delaware River to 45 feet. In addition, they asked you to evaluate whether the Corps of Engineers has complied with all provisions of the National Environmental Policy Act, the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the New Jersey riverfront, and why almost no commitments to deepen their side channels have been received from the oil refineries who are identified as receiving 80% of the projects benefits. We support the request by Representative Andrews and Senator Torricelli, and ask that you address several other critical issues dealing with the accuracy of the USACE's study of this project.

Throughout this project, oil facilities located along the Delaware have been identified as the major beneficiaries. However, five of the six facilities have made no commitment to invest the funds necessary to deepen their side-channels and have indicated they are unlikely to do so. Therefore, we request the GAO to recalculate the cost-benefit ratio of this project if the oil facilities do not deepen their side-channels.

The USACE has identified other potential beneficiaries of the deepening project to include the Port of Philadelphia and Camden. We ask that the GAO utilize its expertise in port infrastructure and competitiveness and conduct a study focusing on shipping trends in the North Atlantic Region. In particular, we request the GAO to evaluate the viability of the Port of Philadelphia and Camden becoming a major regional hub port for deep draft container ships if the Delaware River were deepened from 40 to 45 feet. There is no guarantee that the new generation of container ships will ever call at the Port of Philadelphia and Camden at a depth of 45 feet.

In addition, studies prepared by the USACE Waterways Experiment Station (WES) to determine the potential for saltwater flow into the C&D Canal and the Delaware River may have reached inappropriate conclusions to minimize potential environmental impacts of the project. The studies have since been sent back to the WES for reanalysis. We ask that the GAO investigate discrepancies between the studies and determine how they came about. We would also like the GAO to examine all current Corps studies on the Delaware River Deepening Project to determine if similar discrepancies exist.

This information will be critical in helping Congress determine whether the project's national economic benefits are sufficient enough to invest over $200 million. Since Congress will consider future funding for this project in the FY2001 appropriations cycle, it is essential this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis, evaluate of environmental impacts, and a review of the accuracy of the USACE studies of this project in a timely manner. Thank you for your efforts and we look forward to your report.

Sincerely,

JIM SAXTON,
Member of Congress,
FRANK A. LOBIONDO,
Member of Congress.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, March 31, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

DEAR LIEUTENANT COLONEL LEWIS: I am writing to follow up on our numerous conversations and correspondence regarding the proposed deepening of the Delaware River Main Channel. I appreciate your willingness to address these issues and to work constructively with the State of Delaware to ensure that this project will not go forward unless it complies with our environmental laws and that any environmental impacts from this project will be minimal.

This letter summarizes the remaining environmental issues that the Department of Natural Resources and Environmental Control (DNREC) believes need resolution. In particular, it is essential that the Corps demonstrate conclusively that the project will comply with State of Delaware Surface Water Quality Standards, the Wetlands Act, and the requirements of the Subaqueous Lands Act. We also are beginning to formulate the requirements for testing and monitoring that would apply before, during, and after completion of the project should it move forward.

As you are aware, the National Oceanic and Atmospheric Administration regulations (15 CFR 930) require that this project be consistent with the Delaware Coastal Management Program (DCMP) policies. That program issued a conditional Federal Consistency determination to the Corps on 1 May 1997. The extensive scope of this project necessitated that DCMP review the project in phases. Now that the final design and specification phase is underway, it is an appropriate time to address remaining issues regarding the project. The conditional approvals did not obviate the need to meet the substantive requirements of other state permits.

The outstanding issues include construction of material placement facilities, placement of sandy dredged material on beaches, the wetland creation project at Kelly Island, various monitoring and reporting requirements, fisheries concerns, and future maintenance burdens for the project.

I. CONSTRUCTION OF CONFINED DISPOSAL FACILITIES

Prior to any construction, it will be necessary to identify and describe in detail the functions of all confined disposal facilities (CDFs) to be used for the project—whether located within the land area of the State of Delaware or discharging into Delaware waters. It is our understanding that the only Delaware-land sites slated for use are Reedy Point North and South, both currently in existence. This list identifying the disposal sites must include a description of the current status of each site, expected future capacity, amount of material to be deposited during the initial dredging cycle, and ability to accept material for future maintenance cycles. Additionally, there must be reasonable assurance that the site is designed and operated in a manner which can ensure compliance with Delaware State Water Quality Standards. The rationale and justification supporting this assurance must be provided in detail.

In addition, an Erosion and Sediment Control plan is required from the Division of

Soil & Water for any landward disturbance of 5000 square feet or more. Several of the principles regarding erosion and sediment control are included for general reference:

An approved erosion and sediment control plan must be followed. Any modifications to the plan must be approved as revisions to the approved plan.

Any site or portion thereof on which a land-disturbing activity is completed or stopped for a period of fourteen days must be stabilized either permanently or temporarily following the specifications and standards in the Erosion and Sediment Control Handbook.

Unless an exception is approved, not more than 20 acres may be cleared at any one time in order to minimize areas of exposed ground cover and reduce erosion rates.

A land-disturbing activity shall not cause increased sedimentation or accelerated erosion off-site. Off-site means neighboring properties, drainageways, public facilities, public rights-of-ways or streets, and water courses including streams, lakes, wetlands, etc.

More specific criteria for vegetation and berm stabilization can be found in the Delaware Erosion and Sediment Control Handbook for Development.

The Corps must also comply with any additional requirements of the State NPDES program. A permit regulating the discharge of effluent from the CDFs is likely. Additional NPDES Storm Water Regulations apply, since a NPDES certification is required for land disturbing activities. The ''Regulations Governing Storm Water Discharges Associated with Industrial Activity, Part 2—Special Conditions for Storm Water Associated with Land Disturbing Activities'' (1998) states that ''Land disturbing activities shall not commence and coverage under this Part shall not apply until the Sediment and Stormwater Management Plan for a site has been approved, stamped, signed and dated . . .''.

2. PLACEMENT OF SANDY DREDGED MATERIAL ON BEACHES

To date, DNREC has not received official word of which beaches have been chosen to receive sand from the southern portion of the project. This information should be made available as soon as it is determined so that we can evaluate the permits and requirements needed. Please be advised that DNREC expects that consideration be given to a number of shoreline locations previously unnourished. A Section 401 Water Quality Certification and State Subaqueous Lands permit will be necessary for beach nourishment activities. Our intent is to ensure that state Water Quality Standards are met. DNREC also wants to ensure that beach replenishment activities will not take place during critical horseshoe crab spawning periods (April 15-June 30). Also, sand placement activities should not use barriers (i.e. silt fences, bulkheads, rocks, etc.) that would interfere with spawning.

3. WETLAND CREATION/ENHANCEMENT PROJECT AT KELLY ISLAND

DNREC anticipates coordinating with the Corps on the final design and monitoring plan for Kelly Island at a meeting on 5 April 2000. However, the following describes general principles which would be applicable regardless of the specific design criteria.

An Erosion and Sediment Control plan is required from the Division of Soil & Water Conservation. The general requirements are listed above under item 1.

The Corps must also comply with any additional requirements of the State NPDES program. This includes the NPDES Storm Water Regulations as well as the State Sediment and Stormwater Regulations, since a NPDES certification is required for land disturbing activities.

Because the beneficial use project at Kelly Island will take place in an existing wetland area, a Wetlands Permit will be required from the Division of Water Resources. In addition, a Subaqueous Lands Lease will also be necessary. There are several standard conditions for mitigation projects which should apply to the wetland creation/enhancement taking place at that site. For example, standard mitigation projects must demonstrate 85% survival of the planted vegetation after the second growing season. If 85% is not achieved then a report outlining corrective action must be submitted. Other parameters for stabilization and flow should be developed by Corps engineers and submitted to DNREC for final review and approval.

The Corps must also commit to maintaining the integrity of the created site at Kelly Island and to do what is necessary to evaluate and ensure the function of the new/enhanced wetland area. In addition, the beach constructed at the perimeter must be able to withstand a significant storm event. The project should be examined and monitored annually in order to ensure berm stability, vegetation viability, flushing, and general ''success'' of revitalizing the wetland habitat at that site. A monitoring report to this effect will be required annually.

The DNREC, Division of Fish and Wildlife, has concerns about increased silt load and sedimentation of adjacent oyster habitat during construction of the perimeter sand sill at Kelly Island and while the confined disposal area is being filled. Seed beds of concern include ''Drum Bed,'' ''Silver Bed,'' and ''Pleasanton's Rock,'' as these are the closest seed beds to Kelly Island. Should an impact be noted on these beds, it would indicate a need to monitor ''Ridge Bed'' which is farther from the project area but has historically been very productive.

Monitoring of oyster population conditions and habitat quality should begin prior to construction and continue throughout. Checking for changes in sedimentation patterns should be extensive and focused at broad areas of each bed rather than be limited to discrete sections. In addition, it may be necessary to monitor oyster habitat on leased grounds south of the Mahon River mouth as they may be impacted by sediments moved south by ebb tide currents.

4. MONITORING AND REPORTING

Monitoring at confined disposal facilities

Monitoring of confined disposal facilities (CDFs) must be performed to determine whether return flows from the CDFs cause or contribute to violations of Delaware Surface Water Quality Standards. This is an issue of concern for the Department because CDFs often discharge return flows into ecologically sensitive, shallow water habitats which have limited dilution and dispersion capacity. To evaluate whether return flows are causing or contributing to violations of the Standards, the Corps will need to collect data on flow rate, duration, concentration, and toxicity of CDF discharges and then determine the resulting concentration and toxicity in the receiving water through a combination of fate and transport modeling and in-stream sampling. Both near-field (i.e., mixing zone) and far-field (i.e., complete mix) concentrations and toxicity resulting from the discharges must be determined and compared to applicable Standards.

Sampling and analysis for the CDF should follow the general approach taken by the Corps in evaluating the Pedricktown CDF (i.e., ''Pedricktown Confined Disposal Facility Contaminant Loading and Water Quality Analysis,'' June 1999). The Corps will need to submit a sampling plan/scope of work to the Department for review and approval prior to proceeding with this work and prior to discharging from the CDFs. Close out reports detailing the findings of the sampling and analysis will also need to be submitted to the Department for review and approval. If violations of applicable Standards are identified, then the close out report should identify the steps the Corps intends to take in order to eliminate future violations. Based upon the findings of the initial studies, the Department will determine the nature and extent of subsequent testing that will need to be performed at the CDFs in order to assess compliance with Delaware Surface Water Quality Standards.

In addition to the testing described above, the Corps will also need to collect contaminant data for surface sediments in the CDFs and assess potential impacts to terrestrial and avian species that may use the disposal areas. A plan to accomplish this work should be submitted to the Department for review and approval, as should a close out report. If unacceptable risks are identified as a result of this assessment, then the Corps will need to develop a plan to limit access to the site.

Finally, the Corps will need to submit an annual letter to the Department which summarizes the operational history and structural integrity of any CDF used over the previous year. The letter should address the following factors:

Condition of containment berms, dewatering and stormwater weirs, and other structures.

Summary of disposal operations at the CDF over the past year, including volumes of material placed into the CDF, as well as volumes, mass loading, duration, and timing of return flows.

Summary of maintenance and management activities conducted at the CDF.

Summary of any material removed from the site.

Analysis of available remaining disposal capacity at the site.

Summary of surface and groundwater monitoring programs not otherwise covered in the study identified above.

Monitoring during dredging operation

It will be necessary to monitor during dredging operations in order to ensure that the predictions of ''no significant impacts'' are fulfilled. Therefore, the Corps should submit a sampling plan to the Department for review and approval.

Measuring the exact position of the dredge at all times is essential to ensuring that the channel and bends are deepened based upon the footprint of the original project. Sampling in the water column surrounding the excavation will require, at a minimum, collection of data on total suspended solids concentrations, dissolved oxygen, ammonia, and any contaminants of concern identified in the pre-dredge evaluation. Suspended solids must be maintained between 25 and 250 mg/l at the edge of a two-hundred foot regulatory mixing zone in order to meet water quality standards, according to the report Metal Contamination of Sediments in the Delaware River Navigation Channel (Greene, 1999). The results from all sampling data must be compared to applicable Delaware Surface Water Quality Standards, and any exceedances must be reported immediately.

The Corps must also work with DNREC to develop a protocol that will come into effect

if water quality violations are identified. This would include events where total suspended solids are higher than those determined to be sustainable around the point of excavation.

Additionally, the Corps must follow established protocol if turtles, sturgeon, or other species of concern are identified in the dredge slurry or if there is indication that these species are excessively impacted.

Standard best management practices should be used to the extent practicable during the dredging operation in order to minimize sediment suspension, impacts to aquatic organisms, and water quality exceedances.

If the Corps intends to use the practice of economic loading during the Main Channel Deepening project, this must be discussed with the DNREC. Permission must be granted for economic loading and will be limited by geographical location and material characteristics. Additional monitoring will also be required.

Bi-Annual Reporting

In addition to the annual reporting information stated above, I request that the Secretary of DNREC receive a bi-annual report detailing the progress of the Main Channel Deepening project, including the locations dredged in the previous twelve months, the status and capacity of CDFs, and any unforeseen consequences and their remedies. I would expect members of my staff to be in regular contact with their peers at the Corps in order to ensure that the project satisfies the requirements of the State of Delaware's laws, regulations, and standards.

5. FISHERIES AND LIVING RESOURCE CONCERNS

Aquatic species of concern include sea turtles, several species of whales, and shortnose and Atlantic sturgeon, along with several others. The Corps must follow the recommended dredging windows as established by the Delaware River Basin Fish and Wildlife Cooperative and as reported in the 1997 Supplemental Environmental Impact Statement.

In addition, the following concerns from the Division of Fish and Wildlife must be addressed:

Striped bass spawning is a concern from the Delaware Memorial Bridge to Philadelphia April 15 to June 15. The Delaware Basin Fish and Wildlife Cooperative May 1997 policy entitled ''Seasonal restrictions for dredging, blasting and overboard disposal in the mainstream of the Delaware River'' should be followed in order to protect anadromous spawners such as striped bass.

Atlantic sturgeon spawning sites are located over rocky bottom in the deepest portion of the river. Spawning season is April 15 to June 15. Because the eggs adhere to the hard surfaces, rock should not be blasted or removed from the river through the end of June to protect sturgeon eggs and larvae.

Atlantic sturgeon wintering areas are located from Artificial Island to Chester, Pennsylvania.

An observer should be placed on hopper dredges to monitor for sturgeon impacts on overwintering fish in the wintering areas.

The Corps will need an ''incidental take statement'' from NMFS as required under the Endangered Species Act for sea turtles and shortnose sturgeon. The Corps should ensure that their agreement with NMFS reflects the most up-to-date requirements. A copy of this statement should be provided to the Division of Fish and Wildlife.

In addition, a turtle observer should be on board the dredge during the period of the year when sea turtles are known to be present in our area. The report from this observer, as well as any identified turtle parts, should be forwarded to the Division of Fish and Wildlife as well.

6. FUTURE MAINTENANCE

If the Main Channel is deepened, there will be increased volumes of material removed during each maintenance cycle in order to achieve the project depth. This material will place additional burden on existing disposal areas, causing them to fill at a more rapid rate than with the forty-foot project depth. As a result, new disposal facilities must be sited or beneficial uses must be developed for the material currently contained in the facilities. The Corps must be prepared to address dredged material placement needs in the context of future maintenance related to the proposed deepening.

We look forward to continuing our dialogue and working to resolve the above issues before any plans for actual construction take place. As the Department of Natural Resources and Environmental Control, it is our mission to ensure that projects are designed to avoid or minimize adverse impacts on air and water quality, habitat, and living resources. The above requests and requirements are in keeping with this charge as it applies to the proposed deepening of the Delaware River Main Channel.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,

Dover, DE, July 14, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

Re: Delaware River Main Channel Deepening Project

DEAR LIEUTENANT COLONEL LEWIS: The Department of Natural Resources and Environmental Control (DNREC) has reviewed your letter of June 9, 2000 and the updated matrix entitled ''Assessment of Environmental Issues'' that you provided in response to my March 31, 2000 letter regarding the deepening of the Delaware River Main Channel. This letter also addresses issues raised in your most recent correspondence to me of July 9, 2000. Let me begin by thanking you and your staff for meeting with me and members of my staff, discussing our concerns and providing the organized response. Overall, we appear to be in agreement on the means to resolve many issues. Clarifications of DNREC requirements for specific issues are outlined below. We still have several remaining concerns.

The following are comments from the Department regarding the matrix ''Assessment of Environmental Issues.'' Comments are organized by section.

1.0 CONFINED DISPOSAL FACILITIES

1.1 & 1.2 The Corps will need to follow the requirements for Delaware permit processing, regardless of the eventual enforcement mechanism. DNREC uses EPA Application Form 1—General Information; EPA Application Form 2D—New Sources and New Discharges and EPA Application Form 2E—Facilities Which Do Not Discharge Process Wastewater to collect information to control discharges such as those from CDFs. These forms must be filled out and submitted to the Division of Water Resources for all discharges that could impact Delaware waters. Copies are attached.

1.3 Procedures for effluent monitoring must be submitted to DNREC for review and comment. This should be sent along with the information required for permit processing (above). State of Delaware water quality standards attached.

1.4 It appears that DNREC's concern for contaminants might be deferred until post project. DNREC's original comment reflected two concerns: potential contaminant discharge during de-watering and potential longer term impacts after de-watering. These concerns need by addressed by the Corps before the project commences.

2.0 SAND PLACEMENT ON DELAWARE BEACHES

2.1 See Attachment A for a list of Delaware's preferred locations for sand placement.

The FEIS does not address the impacts of placing material on Delaware beaches. The EIS will not be complete until it is amended to address this issue.

2.2 It is unclear from your response whether you intend to apply for Subaqueous Lands permits. Does your acknowledgement of 401 Water Quality Certification requirements include agreement on Subaqueous Lands permits? A Subaqueous Lands permit or its enforceable equivalent is needed.

2.3 DNREC is satisfied with the agreement regarding horseshoe crab protection measures.

3.0 WETLAND CREATION/ENHANCEMENT

3.1 If tidal wetlands are to be impacted during the construction of Kelly Island, the substantive requirements of a State of Delaware wetlands permit must be obtained before any work can commence.

If the de-watering of Kelly Island necessitates a discharge into surface waters, the Crops will be required to complete the same application forms required for CDFs.

3.2 DNREC will continue working with the Corps until a final wetland design plan can be approved. Work cannot commence until this plan is finalized. Regardless of what the Kelly Island project is referred to, we are targeting the survival rates outlined in the March 31, 2000 letter as measures of success.

3.3 A post-construction monitoring plan to ensure protection of water quality standards must be developed by the Corps and submitted to DNREC for review and approval before the project can commence. In addition, the Corps must clarify how long it intends to maintain the beach constructed in front of the wetland area.

3.4 A Subaqueous Lands permit or its enforceable equivalent is required.

4.0 OYSTER HABITAT MONITORING

DNREC is awaiting the final oyster-monitoring plan from the Corps for review and comment. The monitoring plan should include widespread measures of sediment coverage.

5.0 WATER QUALITY MONITORING

DNREC requires that a sampling plan at the point of dredging be submitted for review and comment. This plan is to include steps to be taken if TSS exceeds 250 mg/l.

Corps regulations require that an EIS address water quality impacts in states adjoining areas where side channels and berthing areas are to be dredged. The Corps is to assist the states where this dredging is to occur in obtaining Section 401 Water Quality Certification from the State where there could be adverse impacts on water quality. The Corps has not done this for the dredging that will occur at Marcus Hook.

6.0 ENDANGERED SPECIES

6.1 DNREC requires the submission of protocols for monitoring potential impacts to sea turtles and short-nose sturgeon for review and comment before the project commences.

6.2 DNREC is satisfied with agreements regarding protections of sea turtles.

7.0 DREDGING

7.1 DNREC is satisfied regarding adherence to dredging windows.

7.2 DNREC is satisfied regarding adherence to dredging windows for striped bass.

7.3 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.4 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.5 DNREC is satisfied regarding Atlantic sturgeon overwintering monitoring for hopper dredge activities.

7.6 The extent of economic loading needs to be finalized and approved by DNREC before the project can commence.

*Please note final comments regarding female overwintering blue crabs.

8.0 REPORTING

8.1. An outline for the CDF Annual Operational Report must be submitted to DNREC for review and comment before the project may commence.

A description of current CDF site conditions must also be submitted.

8.2 DNREC is satisfied with agreements for bi-annual progress reporting.

8.3 DNREC is satisfied with agreements for CDF capacity for maintenance.

ing windows as established

Please share with us as soon as possible the Corps' proposed dredging schedule and dredging techniques. Over the past years, we have discussed many dredging closure windows and investigated the impacts of economic loading. If the Corps plans to dredge the lower Delaware Bay during the winter, we need to know what measures will be put in place to avoid and reduce impacts to overwintering female blue crabs. During cold winters female blue crabs hibernate in the channel, particularly on the channel sides. They may be torpid and unable to move away from the dredge as stated in the Supplemental EIS. This, combined with the possibility of economic loading depositing a burdensome amount of sediment on top of them, should be accounted for and avoided. This most important fishery must be protected.

Also, we have gotten conflicting information regarding the final quality of rock available after blasting. As you may be aware, our conditional consistency determination required the Corps to make this rock available to Delaware for habitat improvement. This rock is a resource that belongs to Delaware. Placement of rock in Delaware's eleven permitted reef sites could serve as partial mitigation for unavoidable fisheries impacts sustained during the dredging process.

Additionally, a preliminary DNREC review of berthing area sediment toxicity data has shown contamination levels of concern. We are just now bringing this issue up because of the length of time it took the Corps to provide the requested data and the time it took our staff to convert the raw data to an electronic format to facilitate analysis. I trust you have shared this information with the state environmental agencies of Pennsylvania and New Jersey. It is our understanding that Corps regulations and Section 401 of the Clean Water Act require that an EIS address water quality impacts in states adjoining areas where side channel berthing areas are to be dredged and that the Corps is to assist states to obtain Section 401 Water Quality Certification from the affected state. DNREC requests that you document potential effects to waters of the State of Delaware from dredging activities in side channel/berthing areas in adjoining states.

Finally, as previously discussed on numerous occasions and as we have maintained over the past decade, the State of Delaware continues to assert that the Corps is subject to state permitting requirements for this project. We have provided your legal and technical staff with appropriate statutory and regulatory requirements and permit application forms. Before we will entertain any further discussion about alternative mechanisms for satisfying these remaining environmental and regulatory requirements, the U.S. Army Corps of Engineers must provide to the Delaware Department of Natural Resources and Environmental Control a written legal justification that articulates why the Corps should be exempt from applying for required State of Delaware permits.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

SOLAR AND RENEWABLE ENERGY ACTIVITIES

Mr. DORGAN. Mr. President, I would like to commend the chairman and ranking minority member of the Energy and Water Development Appropriations Subcommittee for including $43.617 million for Solar and Renewable Energy activities, and to discuss briefly a renewable energy project in my home state of North Dakota.

One of the most abundant sources of energy in the Upper Great Plains region is wind. My State of North Dakota ranks first in wind power production potential, and the Department of Energy has said that North Dakota alone could capture enough wind energy to supply 36 percent of the power needs of the lower 48 States. Not only does wind offer a clean and inexpensive form of energy, it also could provide our rural residents with an important source of income. DOE estimates that a 1,000-acre farm could earn as much as $80,000 per year in wind royalties.

One wind energy initiative of particular interest to me is being conducted on the Turtle Mountain Chippewa Reservation by the Center for New Growth and Economic Development at the Turtle Mountain Community College. I had hoped that the Committee would have designated $1 million for this project, but the Subcommittee's current allocation was not at a level to accommodate funding for new start-up projects in the renewable energy accounts.

I recognize that it is difficult to speculate about what the final budget allocation for this bill might allow, but I would ask the chairman and the ranking minority member to consider designating $1 million for this project in conference should additional funds for the programs under the Subcommittee's jurisdiction become available.

Mr. REID. I recognize the importance of wind energy development not only for North Dakota but also for the other states that might benefit from North Dakota's ability to harness this great resource. This project discussed by the Senator from North Dakota is particularly unique since it is being conducted by Native Americans in an effort to reduce their dependence on fossil fuels and to become more financially self-sufficient. Although we do not know, as the Senator points out, what our final allocation may be, the Senator can be assured that I will do my best to see that this initiative is funded, should the Subcommittee's allocation allow additional projects.

Mr. DOMENICI. It is my understanding that the funds being requested by the Senator would be used for a wind turbine and for educational purposes such as teaching others on the reservation and in the region how to establish and maintain ''wind farms''.

Mr. DORGAN. Yes, the Senator's understanding is correct. The Center for New Growth and Economic Development will work with Turtle Mountain Community College to develop a curriculum on ''windsmithing'' so that others can learn the trade of wind energy. The Turtle Mountain Chippewa Reservation is located in the middle of a natural wind tunnel so this is a natural place to develop expertise relating to wind energy.

Mr. DOMENICI. I thank the Senator from North Dakota for this explanation, and agree that this Center has potential to provide an innovative approach to an old technology—the windmill.

ADVANCED TECHNOLOGIES INSTITUTE, UNIVERSITY OF CONNECTICUT

Mr. DODD. Mr. President, I would like to engage in a colloquy with Senator REID, the ranking member of the Senate Energy and Water Appropriations Committee.

I want to raise an issue and briefly discuss an amendment that I filed regarding the University of Connecticut. The amendment requests that the Department of Energy release $7.9 million that was originally appropriated in 1993 for the construction of an Advanced Technologies Institute at the University of Connecticut. Because of initial

problems with the siting of the facility, the University was granted no-cost extensions for the award. The problems have since been resolved and the University is ready to break ground. I believe that the University of Connecticut, like other institutions, may, without Congressional action, lose out on the receipt of money that was already set aside for them. It is my understanding that the Senate, in its wisdom, has resolved similar situations in recent months. I would ask the chairman and ranking member to continue to work with me to try and rectify the situation with the University of Connecticut.

Mr. REID. Mr. President, I appreciate what the Senator from Connecticut has said. I would like to work with him on this issue as we move to Conference on this bill. Several of our colleagues have had similar problems with other projects and I will continue to work with the Senator from Connecticut as we move to Conference.

GREAT LAKES SEDIMENT TRIBUTARY TRANSPORT MODELS

Mr. DEWINE. Mr. President, as co-chairs of the Senate Great Lakes Task Force, the distinguished Senator from Michigan and myself want to take this opportunity to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Section 516(c) of the Water Resources Development Act of 1996 authorizes the Army Corps of Engineers to construct sediment transport models for major tributaries of the Great Lakes. This is a project aimed at the prevention end of a complex of sediment-related problems in the Great Lakes region—problems which are costing this country millions of dollars each year to remediate. The potential benefits of these models are such that they will pay for themselves in terms of reduced dredging and disposal costs. The benefits of the program are well-recognized nationally; the program is being used as a template for a similar authorization for the Upper Mississippi river system. In addition to their uses to the Corps of Engineers in planning for dredging needs of the region and development of cost-effective alternatives to dredging, the tributary transport models are made available to local, state and federal partners involved in nonpoint source pollution control to help target their efforts to prevent erosion which results in sedimentation of harbors and channels. A total of approximately sixty Great Lakes tributaries qualify under the authorization guidelines, 25 of which are considered high priority based on their current dredging needs.

Mr. LEVIN. Mr. President, in each of fiscal 1998 and fiscal 1999 the Congress was able to provide $500,000 for this project—funds which were spent to begin construction of models for six priority tributaries. Models of the Nemadji River, and Saginaw River have been completed, but lack of funding in fiscal 2000 has delayed completion of models of the Maumee River, Menominee River, Buffalo River, and Grand Calumet River. Plans to begin development of additional models for priority tributaries in Mill & Cascade Creeks, PA and Grand River, MI have also been delayed. With the first models just finishing completion, we are already seeing the benefits of the program. In the case of the Nemadji River model, the county government is starting to use the model to explore potential effects of changes to forestry practices in the Nemadji River watershed to reduce bank erosion and soil loss to Lake Superior. Preliminary analysis carried out on the Maumee model indicate that soil conservation can reduce future dredging and disposal costs.

We note that the House Committee has provided $500,000 in fiscal 2001 funding for the modeling program and ask the distinguished ranking member to make funding for this program a high priority in conference with the House.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes states for highlighting the importance of this program and its potential for long-term cost. And to the extent that resources are available, I will do my best to address the funding needs of this program in Conference.

Mr. DEWINE. I thank the chairman for his consideration and congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Energy and Water Development appropriations bill which addresses so many of this nation's water resources infrastructure needs.

LOW LAKE LEVELS

Mr. DEWINE. Mr. President, I would like to ask my distinguished colleague from New Mexico and Chairman of the Energy and Water Appropriations Subcommittee, Mr. DOMENICI, if he is aware of a serious problem facing Ohio and the entire Great Lakes region. For the last 2 years, water levels in the Great Lakes have been declining rapidly. This year, the water level fell below low water datum for the first time in nearly 35 years.

Mr. DOMENICI. Mr. President, I am aware of the extreme low water level problem and understand the difficulties that the Great Lakes region is facing as a result.

Mr. DEWINE. Mr. President, dredging in Great Lakes harbors and navigation channels is authorized by reference to low water datum. During periods of extremely low water, like those today, lake levels drop below low water datum. These low water levels not only threaten to cripple Great Lakes industries that depend on waterborne transportation, but they also create a serious threat to the safety of the thousands of recreational and commercial boaters on the Lakes. Would my colleague from New Mexico agree that the Corps should ensure minimal operation depths consistent with the original authorized depths and current use of the channels and harbors when Great Lakes water levels are below the International Great Lakes Datum of 1985?

Mr. DOMENICI. Mr. President, I believe that the corps should work toward this goal recognizing the constrained nature of the operation and maintenance budget recommended for fiscal year 2001 and existing traffic using the system.

GREAT LAKES REMEDIAL ACTION PLANNING ASSISTANCE AND SEDIMENT REMEDIATION TECHNOLOGY DEMONSTRATIONS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Energy and Water Development Appropriations, we would like to bring to the attention of the distinguished chairman and ranking member the critical problem which the Great Lakes region faces in dealing with a legacy of sediment contamination.

In 1987, the International Joint Commission designated 43 Areas of Concern on the Great Lakes where human use of the aquatic resources is severely impaired. Of the 31 U.S. sites, none have been cleaned up to the point of de-listing in the 13 years which have passed since listing. In most cases, the remaining recalcitrant problem is sediments which are contaminated with persistent toxic substances.

Mr. DEWINE. Mr. President, the Army Corps of Engineers plays a key role in addressing the contaminated sediments problem in the Great Lakes region. Section 401 of the Water Resources Development Act of 1990 authorized the Corps of Engineers to provide technical assistance to the Remedial Action Planning Committees for each of the Areas of Concern. This technical assistance is critical to developing a cost-effective and scientifically sound approach to cleanup. One of the largest obstacles to cleanup of contaminated sediments in the Great Lakes region is the lack of availability of alternative technologies for remediation of contaminated sediments. The Water Resources Development Act of 1996 amended Section 401 allowing technical assistance funds to be used for the development and demonstration of promising new remediation technologies.

Since 1990, Congress has provided a total of just $3.25 million for the Section 401 program. Funding has never exceeded $500,000 in any fiscal year, a level far too low to support even a single technology demonstration while maintaining key technical assistance capabilities.

We note that the House Committee has provided $600,000 in fiscal 2001 funding for the Section 401 Program. While we welcome the prospect of this increase, even at this level funding remains woefully short of the amount

needed for this key component of our regional battle to address the problem of sediment contamination in the Great Lakes. We ask the distinguished chairman and ranking member to make funding for this program a high priority in conference with the House and within any additional funding which may become available.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes States for highlighting the importance of this program. To the extent that resources are available, I will do my best to address the funding needs of this program in conference.

HOUGHTON LAKE IN MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the Senator from Nevada would answer a question about funding for a serious problem with Houghton Lake in Michigan.

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has provided $6,700,000 for the Corps of Engineers' planning assistance to States program and that only $200,000 of this funding is currently obligated to a specific project?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I would ask if the Senator would be willing to consider in conference a request of $75,000 to conduct a comprehensive water management study for Houghton Lake, MI. The Eurasian milfoil is a non-indigenous water plant that floats on the water's surface and forms large mats of plants, which lower the oxygen levels in the water below them, killing fish and making passage by boat very difficult. A large amount of the lake's surface has been infested by the milfoil.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will attempt to provide that funding in Conference.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senator from Nevada.

NATIONAL SYNCHROTRON LIGHT SOURCE

Mr. SCHUMER. I would first like to thank Senator REID and Senator DOMENICI for their leadership and continued funding of science and research facilities.

I would like to take a moment to engage my colleague in a colloquy.

Mr. REID. I thank the Senator for his kind words and would be happy to engage in a colloquy with him.

Mr. SCHUMER. Mr. President, due to severe budget constraints in the Fiscal Year 2001 Energy and Water Appropriations, additional funding has not been made available for the National Synchrotron Light Source at Brookhaven National Laboratory. The President's FY2001 Budget included $3 million for upgrades and enhancements to the NSLS at Brookhaven National Laboratory under the Basic Energy Science (BES) account. The NSLS facility at Brookhaven, bringing 2,300 scientists annually is used for a whole host of issues, ranging from the first images of the AIDS virus attaching itself to a human cell; landmark progress in understanding the structure of the ribosome, the most complex component in each living cell; pivotal work on the Lyme disease bacterium, leading to a vaccine; and pioneering studies on hepatitis. These additional funds will allow Brookhaven to begin construction of two experimental stations and to hire additional staff members, which are essential in handling the growing demand of this facility.

I ask the Senator from Nevada that if additional funds are made available for the Energy and Water Appropriations Bill, that the enhancements to the NSLS be added to the current funding for Brookhaven.

Mr. REID. I agree with the Senator from New York that the additional funding for the NSLS is a high priority and the enhancements will allow more people to research and develop experiments that will effect the future of our world. Unfortunately funding constraints have prohibited the Committee from including these essential funds. When additional resources become available, we will give the NSLS priority consideration under additional science funding.

Mr. SCHUMER. I thank the Senator from Nevada for helping with this priority issue.

THE CLINTON RIVER SPILLWAY

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Energy and Water Development.

I thank the Committee for including an $100,000 appropriation for the Clinton River Spillway for an evaluation to determine whether the Clinton River Spillway in Michigan has a design deficiency requiring remediation.

During the 1950's, the United States Army Corps of Engineers constructed a dam on the Clinton River and a spillway to alleviate flooding. Since the completion of the project, debris has built up at the confluence of the Clinton River and spillway.

I agree with the Committee that a study must be conducted, however I ask that the study include an analysis of the cause of the debris build up as well as a determination as to whether or not there is a design deficiency. This is a continuing problem in this river basin and the Corps needs to examine the cause of the problem in order to devise a long term solution.

Mr. REID. The Senator from Michigan is correct. The cause of this problem needs to be determined and the Corps needs to include causation as a part of this study. I assure the Senator that we will interpret the study to include a causation analysis.

Mr. LEVIN. I thank the Senator from Nevada.

THE ROUGE RIVER IN SOUTHFIELD MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Appropriations Act for Energy and Water Development, I wonder if the distinguished Senator from Nevada would answer a question regarding Emergency streambank and shoreline protection—sec. 14—funds?

Mr. REID. Mr. President, I would be pleased to offer any information about this bill to my friend from Michigan.

Mr. LEVIN. I thank the Senator. Is it correct that the Committee has included $8,000,000 for section 14, Emergency streambank and shoreline erosion protection?

Mr. REID. The Senator from Michigan is correct.

Mr. LEVIN. I thank the Senator from Nevada. I would also ask if the Senator would be willing to consider in conference a request of $40,000 for the Rouge River in Southfield, Michigan. A large slope area on the banks of the Rouge River has collapsed and is currently threatening public infrastructure. This area must be stabilized and restored before winter sets in to prevent damage to the sanitary sewer and to eliminate the threat of pollution to the Rouge River. This is a very urgent project.

Mr. REID. I understand that this matter is of great importance to the Senator from Michigan and the people he represents. I can assure my friend that I will carefully consider his request in Conference.

Mr. LEVIN. As always, I appreciate the courtesy of the distinguished Senator from Nevada.

THE BRUNSWICK HARBOR DEEPENING PROJECT IN BRUNSWICK, GEORGIA

Mr. CLELAND. Thank you, Mr. President. I rise today to discuss the current situation of Brunswick Harbor, an issue which is very important to me. I hope that I can engage the Chairman and the Ranking Member of the Senate Energy and Water Subcommittee in a floor discussion of this key matter.

The Brunswick Harbor deepening project, which was authorized in the 1999 Water Resources Develop Act, has received a favorable report from the U.S. Army Corps of Engineers and has met all required cost-benefit and environmental reviews. Preconstruction engineering and design are in the final stages. In order to keep this project on schedule, it is necessary to complete several administrative requirements before the deepening project begins. Namely, the Corps of Engineers and the Non-Federal sponsor must initiate

Project Cooperation Agreement discussions, complete the final project design, and develop contract award documents. I have requested a modest funding level of $255,000 to carry out these tasks. Unfortunately, no funds were provided in the House or Senate bills.

I believe it is important to take action on this issue immediately. Navigation channel restrictions in Brunswick have cost shippers and consumers a significant amount in lost revenue. The current controlled depth of 30 feet subjects 57 percent of the vessels to tidal delays, sub-optimal loading and inefficient port rotations. In fact, it is estimated that these delays result in an annual loss of $6.65 million in revenue. We can avoid incurring these losses another year by providing nominal funding to complete the required administrative processes.

I would echo the remarks of the Committee's report language which notes the importance of our waterways and harbors to our national transportation system. The Port of Brunswick plays an integral role in supporting the maritime transportation arm of our national infrastructure. Additionally, I would say that the Port of Brunswick is very much an intermodal facility. Brunswick is well-connected to our nation's system of highways and railroads, providing increased opportunities for commercial transportation.

I will go one step further in stating that the Port of Brunswick is not only important to our national transportation system, but it is important to our national defense. Located between Savannah and Jacksonville, Brunswick is readily accessible to the numerous military installations in the region. As a member of the Senate Armed Services Committee, and as a former Army Officer, I know very well the need to move troops, tanks, and supplies as rapidly as possible. During a war, more than 95 percent of all the equipment and supplies needed to sustain the U.S. military are carried by sea. The potential for the Port of Brunswick to play a major role in the movement of military cargo must not be overlooked, nor must it be hindered by administrative delays.

I understand the tight budget restraints the Subcommittee faces this year, and I respect the fact that there will be no ''new start'' projects appropriated. However, we are not attempting to start dredging in Brunswick. We are simply trying to complete the administrative requirements which are necessary prior to such action. I appeal to my colleagues to help me keep the Brunswick Harbor deepening project on schedule through the inclusion of funds in Conference with the House. In fact, I believe we can proceed with the Project Cooperation Agreement, the final project design, and the development of contract awards if the Conference Committee were to simply include favorable report language to this effect. I thank my distinguished colleagues, and I yield the floor.

Mr. MILLER. I, too, would like to offer a few comments relative to the Brunswick Harbor deepening project. Although I have been a member of the Senate for only a short while, I certainly understand the importance of this project and I fully support the inclusion of funds to keep it on schedule. Brunswick handles cargoes important to the region such as grain, gypsum, limestone, perlite, potash, oats, wood pulp, and motor vehicles. As the region has grown, so has the size of the vessels calling on the Port. I am very concerned that if we further delay the deepening project, we run the risk of hindering economic growth. This concern is underscored by the fact that the number of operational delays has increased by 36 percent since 1984. I believe that it is essential to stay the course and keep the project on schedule, and I join my colleague in urging the inclusion of $255,000 to support the administrative tasks which must be completed this year.

Mr. REID. I thank the Senators from Georgia. I share your concern for the funding of this important project, and I assure you that I will give this project due consideration in conference with the House. Should additional funds become available, as I hope they will, the Brunswick Harbor Deepening Project will be one of my chief priorities, and I will support the inclusion of the report language sought by the Georgia Senators.

BONNEVILLE POWER ADMINISTRATION

Mr. DOMENICI. Mr. President, I see the senior Senator from Washington, Senator GORTON, on the floor. Our committee report on this bill includes language he recommended relative to the particular challenges the Bonneville Power Administration status as a Federal agency presents to the BPA in its possible participation in a regional transmission organization. Our report acknowledges that certain steps may need to be taken to mitigate impacts on BPA employees, and that legislation may be necessary. I understand that the Senator from Washington would like to comment further on this issue.

Mr. GORTON. Mr. President, I thank the chairman. I appreciate his interest in this matter and his willingness to consider legislative remedies, should they become necessary. I only want to make clear for the record that if administrative remedies are insufficient to protect the rights and benefits of BPA employees should they move into a new regional transmission organization, then any legislative remedy that might be proposed will be developed in full consultation with other stakeholders in the region and other participants in the RTO. Since any legislation that may be developed may very well be carried as an administrative provision in this bill, I wanted to be sure the manager knew that this is my intent.

Mr. DOMENICI. I appreciate that elaboration, Mr. President, and look forward to working with Senator GORTON on this issue of great interest to his constituents.

FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

Mr. DEWINE. Mr. President, I would like to engage the distinguished Senator from New Mexico, and floor manager of the pending bill, Senator DOMENICI in a colloquy.

Mr. DOMENICI. I would be pleased to respond to the distinguished Senator from Ohio, Senator DEWINE.

Mr. DEWINE. I thank the Senator. Senator, last year we discussed the tremendous progress being made at the Fernald Site in my home state of Ohio. It is in many ways a model of what can be done to safely and effectively clean-up a former weapons production site left from the cold war. The Fernald site is poised to be the first major DOE site to be cleaned-up and in effect 'taken off the books.' Wouldn't the Senator agree that this effort deserves both our appreciation and support?

Mr. DOMENICI. Absolutely, I concur with the Senator.

Mr. DEWINE. I thank the Chairman. In the event that additional resources become available, I ask the chairman to help secure additional resources for the Fernald project to ensure that the pace of closing the site by 2006 is assured. I further ask the Chairman if he would support my call to the DOE to make an expeditious decision concerning the site contractor. There is no competition—the site is running smoothly—let's give them the resources they need and demonstrate that at least one project can be completed on budget and on schedule without any further delays.

Mr. DOMENICI. The Committee once again recognizes the outstanding contributions of the entire effort at the Fernald site-workers, community leaders, and regulators. We will try to support the Senators request and encourage the DOE to make an expeditious decision concerning the pending contract.

Mr. ALLARD. Mr. President, I would like to briefly engage Senator DOMENICI, Chairman of the Energy and Water Appropriations Subcommittee on an important energy issue.

Mr. DOMENICI. I would be happy to oblige the Senator from Colorado.

Mr. ALLARD. Thank you Mr. Chairman. Mr. President, I would like to thank Senator DOMENICI for his hard work on this important bill. In particular I would like to thank him for his actions in response to requests by many, including this Senator, on behalf of renewable energy. These funds will go far to help in many areas of science, the environment, national security and the economy. On a related

topic, I wonder if I could briefly discuss the Consortium for Plant Biotechnology Research (CPBR) with the Chairman.

Mr. DOMENICI. I would inform the Senator from Colorado that I am aware of CPBR's work and would be happy to address the Senator on this topic.

Mr. ALLARD. As I'm sure the Chairman knows, research that has been undertaken by CPBR's member universities, including the University of Colorado, in conjunction with the Department of Energy has led to improved biomass energy technologies that help develop a competitive biomass-based energy industry and a safer, cleaner environment.

Mr. DOMENICI. I appreciate the words of the Senator from Colorado and would note that New Mexico State University is an important partner in the consortium. Unfortunately, due to our subcommittee allocation, there was not enough room in the Senate mark to cover many good programs and projects.

Mr. ALLARD. Mr. President, I thank the Chairman for his time and would encourage him to consider the important work of CPBR when this bill moves to conference with the other body.

GENERAL INVESTIGATIONS ACTIVITIES OF THE CORPS OF ENGINEERS

Mr. WARNER. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee regarding the General Investigations Activities of the Corps of Engineers.

The Corps of Engineers is authorized to repair the Goshen Dam/Spillway system on Lake Merriweather in Rockbridge, Virginia. This dam is classified as a ''high hazard'' dam according to the Federal Dam Safety Guidelines because its failure threatens the downstream community of Wilson Springs. The Corps has completed a Technical Report on the engineering and design specifications for the project's repairs and upgrades.

The House passed bill includes $150,000 for further planning and design activities for this important project. I call this situation to the attention of the Chairman and respectfully request that he give favorable consideration to this matter in conference.

Mr. DOMENICI. I thank Senator WARNER for bringing this matter to may attention. I am aware that this facility is utilized by the National Capital Area Boy Scouts organization. It is important that the non-federal sponsor finance their share of the costs of these safety repairs and I am aware that the Commonwealth of Virginia may become the non-federal sponsor.

I know how important this project is to the Senator and I will give it full consideration during Conference.

DELTA REGIONAL AUTHORITY

Mr. COCHRAN. Mr. President, the Mississippi River Delta possesses many common characteristics and unique problems throughout the 7-state alluvial floodplain which it encompasses. The subcommittee report includes funding for a new Delta Regional Authority, an economic development effort aimed at extending special help to an area of the country that I have long considered to be a special part of my state and this nation.

I am concerned that many of the real needs in the region never feel the full impact of federal assistance efforts because of the centrally-planned and bureaucratic delivery systems which accompanied some of these initiatives. Because of this history, the people of the region have become skeptical about new election year promises of federal assistance.

I would like to ask the distinguished chairman of the subcommittee for clarification of the intent and purpose of this funding. First, how is the Delta defined for purpose of extending this proposed federal assistance?

Mr. DOMENICI. The provisions included in the bill do not specifically define the Delta.

Mr. COCHRAN. The historical Delta area is the Mississippi Alluvial Valley, which includes only small portions of Tennessee and Kentucky, the typically flat and gently-sloping land of eastern Louisiana and Arkansas, Northwest Mississippi, the boot-heel of Missouri, and the Cache River lowlands of Illinois. Is it the Committee's intent that the Delta, for purposes of the federal assistance in this appropriation measure, be defined as that land which underlies those communities, counties, parishes and part-counties, which are geographically delineated by the topography commonly recognized as the Delta alluvial floodplain?

Mr. DOMENICI. Yes. It is my understanding that this is the area suffering most in terms of economic distress.

Mr. COCHRAN. As the distinguished chairman knows, the Delta suffers from an acute need for infrastructure development that inhibits economic growth.

In the Report to Congress by the Lower Mississippi Delta Development Commission, which was co-chaired by then-Governor Bill Clinton of Arkansas, the Commission stressed that the ten-year goal of any plan to assist the Delta should emphasize, and I quote from page 92 of this report, ''every Delta resident will have access to adequate water and sewer, fire protection, flood control, roads, streets, and bridges, to improve the quality of life and provide for economic growth and development.''

Although there are many very important needs in the Mississippi River Delta region which are unique to that area, better roads, educational enhancements, protection from floods, natural resource conservation and equipment and instruction support for workforce training ought to be the primary focus of this funding.

There are existing and proven delivery systems for these purpose which have the benefit of local planning and priority-setting by the people who reside in the Delta.

Is it the intent of this committee that this founding be utilized in this way for these purposes?

Mr. DOMENICI. Yes, Senator, In fact, it is the interest of the subcommittee to bring this federal support to the Mississippi River Delta region in the most timely and cost-efficient manner. It is my understanding that much like in your own State of Mississippi, the other six states have similar delivery systems in place through their local community colleges, universities, departments of transportation, and water resource agencies that should be used as the primary vehicles through which these funds are properly administered to provide the greatest regional impact.

Mr. COCHRAN. I appreciate the Chairman's response. Delta communities in my state have been unable to provide their local cost-share for rural water and sewer projects, road and railroad improvement projects, drainage and flood protection projects, and other developments that are fundamental to a viable, local economy because they simply cannot afford the match. Unlike more affluent areas which can take full advantage of the federal cost-sharing programs such as this, the Delta typically lags behind even further. Is it the Chairman's view that these funds could be used as a local match for other federal programs?

Mr. DOMENICI. I agree with your view that these funds could utilized for the type of infrastructure support you have described. If distressed communities in the Mississippi River Delta region are struggling to qualify for federal assistance due to their inability to provide the local match for infrastructure improvements, I think it should be one of the highest priorities for these funds to be applied in this way.

Mr. COCHRAN. I thank my friend from New Mexico and I appreciate your support for the use of this funding through existing delivery systems to provide needed assistance to the Delta.

FEDERAL POWER MARKETING ADMINISTRATIONS AND REGIONAL TRANSMISSION ORGANIZATIONS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the Chairman of the Energy and Water Development Appropriations Subcommittee and the senior Senator from Washington to clarify the intent of legislative language in Section 319 of H.R. 4733.

Mr. DOMENICI. Mr. President, I would be pleased to discuss this provision with my friend, the Senator from Idaho.

Mr. GORTON. As would I, Mr. President.

Mr. CRAIG. Mr. President, one of the Power Marketing Administrations, the Bonneville Power Administration (BPA) is working with other transmission-owning electric utilities to file a document with the Federal Energy Regulatory Commission in October evidencing an intent to form a regional transmission organization in the Northwest. It is my understanding that this language would give BPA the authority to engage in the activities necessary to making that filing. Is that correct?

Mr. DOMENICI. Mr. President, the Senator from Idaho is correct.

Mr. GORTON. I concur, Mr. President.

Mr. CRAIG. It is also my understanding that the Department of Energy is currently of the opinion that no further legislation would be needed in order for BPA to actually participate in a Northwest regional transmission organization. However, issues may arise as a result of the October filing, or otherwise, that would necessitate further legislation before BPA participates in the Northwest regional transmission organization. If such legislation is necessary, would the Chairman and the Senator from Washington be willing to work with me to enact it expeditiously, so as to not delay the actual operation of the Northwest regional transmission organization?

Mr. DOMENICI. I would be pleased to work with the Senator from Idaho, the Senator from Washington, and other members of the Northwest delegation to assure expeditious enactment of any such necessary legislation.

Mr. GORTON. I too, am committed to prompt enactment of such legislation, if needed. I think it is crucial that Congress facilitate, rather than impede or delay, the formation of a regional transmission organization for the Northwest.

Mr. CRAIG. I thank the Senators.

CHANNEL DEEPENING

Mr. SCHUMER. Mr. President, I have an amendment to the Fiscal Year 2001 Energy and Water Appropriations bill prepared on behalf of myself, Senator MOYNIHAN, Senator LAUTENBERG, and Senator TORRICELLI, that would dedicate $53 million and $5 million, respectively, for the Kill van Kull and Arthur Kill channel deepening projects in the Port of New York and New Jersey. These are the amounts that the President's Budget requests for the vital navigation projects. I will withhold from offering the amendment at this time.

I would just like to ask the Chairman and ranking Member, who are working hard to stay within their allocations, if they agree that the redevelopment of the Port of New York and New Jersey to accommodate modern container vessels is in the national interest. I would also like to inquire whether they will grant both of these projects priority consideration in the event that additional funds become available under the Army Corps accounts.

Mr. REID. I would agree with the Senator from New York that the authorized Federal navigation projects for the Port of New York and New Jersey are in the national interest, and that both the Kill van Kull and Arthur Kill projects should receive priority consideration if additional general construction funding for the Army Corps of Engineers becomes available.

IMPROVEMENTS ON THE MISSISSIPPI

Mr. GRAMS. Mr. President. I would like to engage the distinguished Chairman of the Subcommittee in a brief colloquy on an extremely important public safety project in St. Paul, Minnesota. As the Chairman may recall, I have been a strong proponent of $3,000,000 in Federal funding for the Mississippi Place project in downtown St. Paul. Not surprisingly, I am quite disappointed that the Committee was unable to accommodate requests to initiate work on recently authorized projects.

This project, authorized in the Water Resources Development Act of 1999, entails much needed improvements to the Mississippi River shoreline. For the past 100 years, this shoreline was virtually inaccessible to residents of St. Paul, cut off by a major parkway, industrial property and a main rail line. However, much has changed in the last five years, and the community now finds itself with an unprecedented opportunity to re-establish a physical connection to the Mississippi River. The industrial property has been converted into a new Science Museum and parkland, the parkway has been realigned and the rail lines have been regraded.

As envisioned by the Corps, the project will consist of a series of improvements to a section of river which contains some of the strongest currents on the Upper Mississippi. The need to initiate prompt work on the project led the Minnesota State Legislature to allocate $3,000,000 in state matching funds to the 2000 Bonding Bill signed by the Governor. An additional $3,000,000 in funding from local and other sources will be made available for parklands, trails and other amenities. All told, the community has pledged two thirds of the funding required for the project, far in excess of what is required by law.

But the most important work of all is the Corps portion along the shoreline, work which is critical to keeping the public (including 1.5 million annual visitors at the new Science Museum of Minnesota) away from the fast moving current. Without the funding I have requested from the Committee, this project will not be initiated.

Mr. President, could the distinguished Chairman provide me with his views on the upcoming conference with the House on this legislation, with particular emphasis on the funding which I am seeking for this project?

Mr. DOMENICI. Mr. President, I would be pleased to respond to the Senator's question. As my good friend pointed out, the funding allocation for the Energy and Water Subcommittee for fiscal year 2001 did not afford us the luxury of initiating new construction projects. However, I am aware of the Senator's strong support and interest in this project and, should the subcommittee receive sufficient additional budgetary resources, I will assure my colleague that the project outlined by the Senator would certainly be considered along with numerous other projects which have been brought to the subcommittee's attention.

OBJECTIONABLE PROVISIONS

Mr. MCCAIN. Mr. President, the energy and water appropriations bill is fundamental to our nation's energy and defense related activities, and takes care of vitally important water resources infrastructure needs. My colleagues are aware that I am a strong defender of our national security which is, in part, funded through this bill. Taking care of our national energy needs is also high in priority to our taxpaying constituents who are concerned about ever-increasing gas and energy prices.

That is why I am disappointed to report that this year's bill once again fails to fulfill our responsibility to American taxpayers to expend their tax dollars in a wise and prudent fashion that addresses the nation's most critical needs. Instead, included in this year's bill and its accompanying Senate report is $508 million in unrequested and low-priority earmarks. A number of legislative riders are also added which will effectively prevent a fair and deliberative consideration of certain issues that should be determined in a legislative review through the appropriate Congressional committees.

I recognize the hard work that the managers of this bill have put into moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy. However, I must repeat a criticism I have made many times during consideration of appropriations bills and will continue to make as long as the practice of earmarking continues—this bill inappropriately singles out projects for funding based on criteria other than need and national priority.

This year, earmarks account for more than $508 million in funding for local projects contained in the bill and

the committee report. Yet, we have no way of knowing whether, at best, all or part of this $508 million should have been spent on different projects with greater national need or, at worst, should not have been spent at all.

Various projects are provided with additional funding at levels higher than requested by the administration. The stated reasons include the desire to finish some projects in a reasonable time-frame. Unfortunately, other projects are put on hold or on a slower track. The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all. Many of my objections are based on these types of inconsistencies and nebulous spending practices.

Our current system of earmarking in order to fund national projects is fundamentally flawed. I hope that we will soon develop a better system, one which allows the projects with the greatest national needs to be funded first.

I remind my colleagues that I object to these earmarks on the basis of their circumvention of our established process, which is to properly consider, authorize and fund projects based on merit and need.

Although I was not present to vote on final passage of this bill, I wish to state for the record that I would have voted against this bill because this is not the honorable way to carry out our fiscal responsibilities.

I reviewed this bill and report very closely and compiled a list of objectionable provisions in H.R. 4733 and its accompanying Senate report. This list is too lengthy to be included in the RECORD, but it will be available from my Senate office.

RENEWABLE ENERGY

Ms. COLLINS. Mr. President, earlier this year I joined many of my colleagues in signing a letter supporting increased funding for renewable energy. I am pleased today to see that the subcommittee on Energy and Water Appropriations has honored our request with an $82 million increase in renewable energy funding, raising the total from $362 million to $444 million. That this substantial 23 percent increase occurred under severe budgetary pressures makes it all the more commendable. I thank Chairman DOMENICI and Senator REID for their efforts in producing this bill.

At no time has investment in renewable energy research and development been more important. As we have seen over and over again, even a slight imbalance between supply and demand can lead to rapidly escalating energy prices. Last winter, disruptions in oil supply caused great hardship to Mainers who depend on home heating oil. Mainers are also suffering at the pumps from gasoline and diesel prices that hit their highest levels in decades. People across the nation are further suffering from more and more frequent spikes in the price of natural gas and electricity.

Unless we act to diversify our energy supply, this volatility is only likely to grow worse. For example, United States currently imports slightly over half of its oil. In less than 20 years, this number is expected to grow to 70 percent. Unless we are content to live under the perpetual threat of energy disruptions from Middle East energy barons or other forces beyond our control, we must diversify our energy supply. While renewable energy will not provide the whole answer, it holds the potential to help stabilize energy prices and to provide us with an increased level of energy security. By investing in renewable energy research and development, we enhance fuel and technology diversity and help provide the United States with insulation from future energy shocks.

Investments in renewable energy have many other benefits as well. These investments increase the U.S. market share of the growing domestic and international markets for energy-supply products and permit the expansion of high technology jobs within the U.S. economy. Research in biomass and biofuels helps farmers and foresters by creating valuable new uses for agricultural products. Renewable energy has important military applications and is currently used on many remote military bases. The funds contained in this bill will also lead to improvements in distributed generation, energy storage, and reliability of the electric grid. Finally, renewable are bringing extra income to many farmers and local communities across the Nation.

My home State of Maine is a leader in renewable energy production and technology. In fact nearly 30 percent of our electricity comes from renewable energy generated in Maine. Central Maine Power is selling renewable energy from biomass to green markets in other states. And just next month, Endless Energy will be putting in a brand new wind turbine at a blueberry farm in Orland. This turbine was made possible in part by the renewable energy investments that I supported last year.

I again thank Senators DOMENICI and REID for providing the increase in renewable energy investments that I and many of my colleagues in the U.S. Senate had asked for. This is a down-payment on future energy diversity and a sound economy.

RED LAKE RIVER FLOOD CONTROL

Mr. GRAMS. Mr. President, I had intended to offer an amendment that would have provided $1 million in funding for the Red Lake River Flood Control Project at Crookston, Minnesota. This is a high priority of mine, and I regret the Committee's inability to fund new start construction projects. I understand there may be more flexibility to fund new starts in conference, and I want to continue to work with Chairman DOMENICI at that time to ensure funds are available to begin construction of this important project.

Communities in the Red River Valley in Northwestern Minnesota have suffered some of the worst flooding in our nation's history during 1997. Many Americans watched the television coverage of Grand Forks, North Dakota and saw the burning buildings which destroyed a city block, all in a sea of water. But just across the Red River, on the Minnesota side, is East Grand Forks, a town of nearly 10,000 people that had no water, no electricity, and no sewer system.

This disastrous flooding has severely disrupted the lives of many, many Minnesotans. Dreams of enjoying warm, spring weather after a brutally long Minnesota winter were replaced with efforts to ensure families and communities were safe, and that adequate food, water, and shelter was available.

Just 22 short miles east of East Grand Forks is the community of Crookston. Fortunately, through hard work and some luck, Crookston escaped major flooding in 1997. But Crookston's luck may not hold. The Red Lake River has flooded Crookston in the past, and without improved flood protection, it will flood the city again. The city has experienced severe flooding as a result of the topography of the land, as well as agriculture drainage, loss of wetlands, and the construction of county ditch systems. In fact, all of which have altered the flow of water adding to the risk of flooding. The threat to life and property in Crookston has increased since the 1950 flood when many homes were destroyed. The city has constructed levees between 1950 and 1965, but these levees are seriously deteriorating.

Mr. President, there is a plan for flood protection in Crookston. City planners have suggested a combination of channel cuts and dikes. The channel cuts would allow water to flow more quickly through town. The dikes would hold back flood water.

The city needs federal funding for this project. Already, the State of Minnesota has appropriated $3.3 million for Crookston for the dual purpose of providing funds to match the pending federal money, and to buy out homes in preparation for construction of the project. Local contributions, thus far, have exceeded $1.5 million, a third of which was used to meet the 50% federal requirement for the feasibility study, and the remainder is to be used as a

part of the local match for the construction of the project that was authorized in the Water Resources Development Act of 1999. The cost benefit ratio for the project was determined in the Corps' feasibility study to be 1.6, far exceeding the federal requirement of a 1:1 cost benefit ratio for flood prevention projects.

It is my understanding that the city has met every requirement, cooperated with the Corps, and done everything asked of them to ensure the federal funding they expected after the authorization.

I want to commend the leadership of Mayor Don Osborne, members of the city council and city engineers in working on this important flood control project for their community. It is my hope that federal funding for this project be achieved so that work can begin to provide essential flood protection for the people of Crookston.

I urge the support of conferees for this amendment.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I am joined by my colleague from Alaska, Senator MURKOWSKI, in thanking the managers of this bill for accepting an amendment important to the residents of Kake, Alaska.

The city of Kake is a predominantly Tlingit Indian community of 850 located on Kupreanof Island in a remote section of southeast Alaska.

Since the recent collapse of the timber industry in southeast Alaska, Kake's economy has been almost entirely reliant on a local salmon hatchery and a seafood processing plant.

The city water was supplied by the Gunnuk Creek Dam, a wooden dam built in 1946 by the Civilian Conservation Corps (CCC) at a cost of approximately $1.5 million.

In late July, after three days of severe storms dumped approximately 24 inches of rain, several logs swept across Kake's water reservoir and gouged an 18-foot by 12-foot hole in the 54 year old dam. The reservoir emptied and within minutes Kake's residents, hatchery, fish processing plant, general store, city offices, school, and fire department were without water. For the next 10 days, residents were forced to boil water before they could drink it. On August 10, the governor of Alaska issued a disaster declaration for Kake.

As an interim measure, small pumps have been installed in Gunnuk Creek to pump water to the filtration plant. Those pumps are highly susceptible to storms, and must be monitored 24 hours per day for debris and wear. The city purchased the small pumps with borrowed money, which must be repaid. Because of lack of water, the salmon hatchery has lost $2 million to date, primarily in loss of fish and egg harvests for next year's run. Also because of a lack of water, the cold storage plant—the major employer in Kake—laid off its 70 workers and has lost $500,000 in business.

Engineers from the Indian Health Service and a private consulting firm have declared the dam a total loss and estimate that $7 million is needed for a replacement.

The amendment included in this bill would provide the needed funding to replace the dam and I thank my colleagues for their support.

RIO GRANDE

Mr. DOMENICI. Mr. President, my amendment to strike the language in section 204 results from an agreement reached between myself and Interior Secretary Bruce Babbitt to delay implementation of a solicitor's opinion concerning the ownership of water facilities and related use of Rio Grande water, and to work toward a long-term solution to these water issues.

At issue is the relationship between ownership of water facilities and the desire to maintain flows in the Rio Grande.

Secretary Babbitt agreed to refrain from implementing a June 19 Solicitor's opinion, unless agreed to by the parties in litigation and the state engineer, or as permitted by court order.

I committed to work with him to achieve a long-term solution to these complicated water issues, and we agreed the current allocation, ownership and use of water in New Mexico have raised some issues of the greatest magnitude and at this time the most appropriate forum for their resolution is Federal court.

I have moved to strike this language based on the good faith of Secretary Babbitt, and I also note that he agreed to continue to resolve water issues related to the Fort Sumner Irrigation District (FSID) and the Pecos River, recognizing that the FSID and MRGCD facilities have different status.

However, based on our good faith discussions, I will continue to work with him on the Pecos issue, and expect that the Department will not take adverse action against that irrigation district in the meantime.

THE HARDING LAKE WATERSHED STUDY

Mr. STEVENS. Mr. President, I want to thank the managers of the bill for accepting the amendment on behalf of Senator MURKOWSKI and myself to help find a solution to the problem plaguing Harding Lake.

Harding Lake is the largest road accessible lake in the interior of Alaska. It holds significant recreation, fishery, natural resources and economic value for interior Alaska.

In a recent Fairbanks Daily News-Miner article, state officials closed Harding Lake to pike fishing due to dried up spawning grounds.

Harding Lake is suffering from a dramatic drop in water levels.

This drop in water level has impacted the shoreline—in some areas causing a recession of as much as 700 feet.

This loss of water could cause problems with water quality, land use, and fishery harvests.

Residents of Harding Lake, have asked for help in identifying the source of the water loss problem at the lake.

After discussions with the Corps of Engineers and officials at the soil and conservation district, it appears a watershed study and plan is needed to protect the lake from further degradation.

My amendment would provide the necessary funding to begin the watershed study and to develop a comprehensive plan to address the problem.

I thank the managers of the bill for their understanding and for accepting this provision.

Mr. STEVENS. Mr. President, Research into the molecular basis of disease using mouse models of human disease and a miniaturized version of PET (positron emission tomography) called MicroPET currently being conducted at the University of California Los Angeles School of Medicine's Division of Nuclear Medicine offers exciting new possibilities for development of treatments for human disease based on the molecular disorders that cause it.

Among the diseases for which mouse models have already been developed are breast, prostate, lung and colorectal cancers, Parkinson's disease and diabetes. New funding will allow for development of mouse models for lymphoma cancers and dementia/Alzheimer's disease and will allow development of extremely precise molecular diagnostics and molecular therapies.

Added funding will allow development for the next generation of MicroPET imaging technology.

The new technology will combine MicroPET, which measures the biological processes of a body, and MicroCT, which measures a body's anatomical structure into a single device for simultaneous and precise imaging of both biology and structure and will allow for the differential screening of biological, genetic and structural changes caused by disease in living mice.

This will allow researchers to see precisely the effect of new molecular, targeted treatments including gene therapies for a wide range of diseases using human disease genes inserted into mouse models.

Because the mouse models are developed using human disease genes, the added funding for these new technologies and procedures will lead to new means of treating and tracking human disease using clinical PET technology.

The research will lead to the ability to both diagnose disease and track the effect of targeted molecular/genetic therapies on a broad range of serious human diseases.

Mr. BINGAMAN. Mr. President, I would like to address briefly the issue

of funding for the fundamental science and engineering research supported by the Department of Energy.

The DOE is the leading source of federal support for the physical sciences in the nation. Not many people know that, but it is true. DOE and its predecessor agencies developed this broad portfolio of physical sciences research in pursuit of the agency's statutory missions. To understand energy and its myriad transformations, you have to know a lot about the properties of matter, and of energy flows in matter, at a very fundamental level. In order to conserve energy by, for example, running industrial processes at higher temperatures that have greater thermodynamic efficiencies, you have to know a lot about basic materials science. These are research needs that other science agencies, such as the NSF, cannot meet within their missions and funding levels. It's an important reason why we have a Department of Energy, to begin with.

DOE is also a crucial supporter of scientific research in the life sciences. In the life sciences, the DOE initiated the Human Genome Program and comanges this enormously important and promising effort with the NIH.

DOE also plays a leading role in supporting other biological sciences, environmental sciences, mathematics, computing, and engineering. In all these areas, its basic research contributions relate to DOE's energy missions.

As a consequence of these research investments, the DOE is responsible for a significant portion of federal R&D funding to scientists and students at our colleges and universities.

In addition to the overall size of DOE's basic science funding, the type of activities that DOE funds has a special character among the federal science agencies. One of the primary responsibilities of DOE's Office of Science is to support large-scale specialized user facilities focussed on national scientific priorities. This particular mission makes the Office of Science unique among, and complementary to, the scientific programs for other federal science agencies, including the NIH and NSF. Each year over 15,000 sponsored scientists and students from academe, industry, and government—many funded by agencies other than the DOE—conduct cutting-edge experiments at the Department's research facilities. Every State in the country has scientists and engineers with a stake in DOE's user facilities.

One of the challenges the Office of Science has faced during the past decade is that its funding has been reduced by approximately 13 percent in constant dollars. Other science agencies, such as NIH, have been growing strongly, while the DOE Office of Science has significantly less funding today, in constant dollars, than 10 years ago.

These reductions have prevented the Office of Science from fully participating in new initiatives in exciting technical areas important to DOE's statutory missions such as high performance computing and nanotechnology. More troublesome, the declining funding for the Office of Science has reduced the number of scientists and students able to conduct research suing DOE's national user facilities. In fact, DOE's national and university-based laboratories are currently operating well below their optimum levels, especially in light of growing demand from the scientific community.

DOE's scientific user communities and DOE's own scientific advisory committees have completed a number of reports over the past year to two to put a number on what DOE's science budget should look like, in order to fully take advantage of the scientific opportunities that are out there. They estimated that in FY 2001 alone a funding level of over $3.3 billion can easily be justified in order to support research and to fully utilize and modernize DOE facilities.

I am mindful that both the Chairman and the Ranking member of this appropriations subcommittee would like to make more money available for DOE's science programs. They have made statements yesterday that they will seek additional funds for the non-defense side of this bill as it moves forward. As they know, Senator FRANK MURKOWSKI, and I are circulating a letter in the Senate for signature by Senators to indicate their support for this goal. It's a letter that I hope strengthens their hand in getting a better allocation as we move forward. The letter is addressed to the bipartisan leadership of the Senate, and is already attracting strong bipartisan support.

I hope that when the Conference Report on this bill is finally written, the FY 2001 funding level for the DOE Office of Science will be no less than the President's request level of $3.16 billion. I hope that the funding level can be higher, in some areas, if at all possible. And I hope that both the President and Congress will provide significant increases in funding for the DOE Office of Science in future years in order to sustain the Office's steady growth. Such funding increases are merited by the important and unique work being conducted by the DOE Office of Science. The funding increases would also be consistent with the Senate's passage of a bill that both Senator DOMENICI and I were original cosponsors of the Federal Research Investment Act (S. 296) which calls for doubling investment in civilian research and development efforts.

The PRESIDING OFFICER. 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 pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 39, nays 1, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—93

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

NAYS—1

Baucus

NOT VOTING—6

Akaka	Feinstein	McCain
Boxer	Lieberman	Murkowski

The bill (H.R. 4733), as amended, was passed.

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

Mrs. MURRAY. 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 upon its amendments, requests a conference with the House, and the Chair appoints Mr. DOMENICI, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. KOHL, Mr. DORGAN, and Mr. INOUYE conferees on the part of the Senate.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HEROISM OF HERBERT A. LITTLETON

Mr. DASCHLE. Mr. President, today the citizens of South Dakota are honoring the heroism of Herbert A. Littleton, a 20-year-old Marine Corps private who died while performing acts of gallantry that earned him the Congressional Medal of Honor.

Private First Class Littleton enlisted in Black Hawk, South Dakota, and served as a radio operator during the Korean War with the U.S. Marine Corps Reserve, Company C, 1st Battalion, 7th Marines, 1st Marine Division (Reinforced). This is the same Marine division that turned the course of the Korean War with its successful landing behind enemy lines at Inchon, Korea, 50 years ago this month.

Seven months after the Inchon landing, Private First Class Littleton's unit was in Chungchon, Korea. On the night of April 22, 1951, Private Littleton, a radio operator with an artillery forward observation team, was standing watch. Suddenly Company C's position came under attack from a well concealed and numerically superior enemy force. Private First Class Littleton quickly alerted his team and moved into position to begin calling down artillery fire on the hostile force. But as his comrades arrived to assist, an enemy hand grenade was thrown into their midst. Private First Class Littleton unhesitatingly hurled himself on the grenade, absorbing its full, shattering impact with his own body and saving the other members of his team from serious injury or death.

Following Private First Class Littleton's heroic death, the President of the United States awarded him our nation's highest military award for bravery. The official citation says: ''His indomitable valor in the face of almost certain death reflects the highest credit upon Pfc. Littleton and the U.S. Naval Service. He gallantly gave his life for his country.''

Mr. President, today Governor Bill Janklow dedicated a granite memorial to Private First Class Littleton in Spearfish, South Dakota, near the town where this young man signed up to serve his country. This is a dignified and fitting tribute. But there is another memorial to Private First Class Littleton on the other side of the Pacific Ocean, where a small, impoverished colony has blossomed into the Republic of Korea: a peaceful, democratic society that ranks as one of the great economic success stories of the 20th Century. His sacrifice helped make all this possible.

With this statement before the United States Senate, I join in saluting Private First Class Littleton. As we conduct the nation's affairs in this chamber of the United States Capitol, we would do well to remember Private First Class Littleton. In our every deed, let the members of this body bear in mind the lesson of courage, honor, and personal sacrifice offered to us by a 20-year-old man fighting for his country in the darkness, far from home.

FIRESTONE-FORD INVESTIGATION

Mr. SPECTER. Mr. President, I have sought recognition to deal with very serious problems disclosed in hearings yesterday in the Transportation Appropriations Subcommittee. The hearing involved 88 deaths that have resulted from Firestone tires shredding, and a great many Ford vehicles—mostly Ford Explorers—rolling over and resulting in those 88 deaths.

The hearing yesterday produced substantial evidence that ranking officials at Firestone and Ford knew about this problem, but subjected the owners of Ford Explorer vehicles riding on Firestone tires to the risk of death, which did eventuate for 88 people, and to very serious bodily injury formany more. These risks were foisted upon the American traveling public at a time when both Ford and Firestone knew what the problems were, at a time when, in October of 1998, customers in Venezuela had found the problem, and Ford and Firestone were alerted to it, with officials in Venezuela now talking about criminal prosecutions. In August of 1999, the Saudis had their tires replaced, so the people in Saudi Arabia were being protected while U.S. consumers were not being protected.

An internal Ford memorandum on March 12, 1999, considered whether Governmental officials in the United States ought to be notified, and a decision was made not to notify Federal officials. The matter then came into sharp focus in late July of this year, with the Ford executive witness testifying that Ford did not know about the problem in its full import until July 27 when Firestone turned over the information to Federal authorities. There was a representation by the Ford witness—which candidly strains credulity—and Firestone made representations that they did not find out about this problem until they had conducted some extraordinary tests—tests which obviously should have been conducted at a much earlier stage.

Yesterday, I questioned the Ford and Firestone officials on their willingness to turn over all of the records to the Transportation Appropriations Subcommittee, and they said they would; although, as I had said at the time, I thought there ought to be a subpoena issued which made it an obligation. Failure to perform would subject anybody who did not comply with the subpoena to charges of obstruction of justice. When cases of this sort have arisen in the past, there is a tremendous amount of experience that there is reluctance on the part of companies to turn over their documents, and they are found only after the most detailed and excruciating discovery in litigation. So this is a matter where the documents will be the best evidence as to who knew what, when that was known, and what action, if any, was taken.

The tragedy with the Firestone tires and the Ford Explorer rollovers is a matter that is going to have to be determined after very substantial investigation. The witnesses who testified yesterday were Joan Claybrook, President of the Public Citizen Organization, and R. David Pittle, Senior Vice President and Technical Director, Consumers Union. Both of them felt that criminal prosecutions were appropriate, perhaps rising to the level of second degree murder because of a willful disregard or reckless disregard of the safety of others, resulting in death, which is the legal equivalent of malice and which is the basis for a charge as serious as murder in the second degree.

Whether that is applicable to Firestone and Ford remains to be seen. However, we find a situation where the laws of the United States are inadequate to deal with this kind of situation. There is no legislation on the books which establishes a prosecution in these terms.

Back in 1966, the House of Representatives considered similar legislation. I have considered it for some time and have deferred introducing such legislation because it seemed to me that perhaps it was just a little harsh. But with the experience of Ford and Firestone, I do think it is appropriate for the Congress of the United States to consider such legislation.

That is why today I am introducing a bill which would establish criminal sanctions for any person who, in gross deviation from a reasonable standard of care, introduces into interstate commerce a product known by that person to be defective which causes the death or serious bodily injury of any individual, calling for penalties up to 15 years where the requisite malice is shown resulting in death, and up to 5 years where the requisite malice is shown for serious bodily injury.

This is a matter I have studied in considerable detail over many years, having represented defendants in personal injury cases—some plaintiffs in personal injury cases—but, more specifically, as district attorney of Philadelphia seeing the impact and the effect of criminal prosecutions and seeing to it that people pay attention.

When there are similar monetary awards, it costs the company and it

costs the shareholders, but it doesn't do anything to the individuals who make these decisions. Before an individual could be held responsible under my proposed legislation, there would have to be a showing that the person knew there was a defect and that defect subjected a person to death or serious bodily injury.

That kind of knowledge and putting the instrumentality into commerce does constitute gross disregard for the safety or the life of another, which is the equivalent of malice and justifies this kind of a prosecution.

As I noted, this is a subject I have studied for some time. Although the Firestone-Ford issue came up only yesterday, the studies I have undertaken have shown me the desirability of this kind of legislation.

Last year, in Anderson v. General Motors Company, 1999 WL 1466627, a Los Angeles Superior Court jury ordered General Motors to pay a record $4.8 billion in punitive damages when six people were trapped and burned when their Chevrolet Malibu exploded after its fuel tank was ruptured in a rear-end crash. General Motors had made a calculation that it would cost in damages $2.40 per automobile if they left the defect in existence, but to correct and redesign the fuel system to reduce the fire cost would have been $8.59 a car. So that cost analysis did constitute actual malice.

That kind of an analysis was very similar to the punitive damages which were awarded in the famous case involving the Ford Pinto, which goes back to a 1981 decision in Grimshaw v. Ford Motor Company, 119 Cal. App. 3d 757, where an analysis was made that it would cost some $49.5 million to pay damages resulting from deaths and injuries contrasted with $137 million to pay for correcting the automobile.

In this particular case, the punitive damage award was $125 million, but it was subsequently reduced to $3.5 million, which frequently happens in punitive damage awards.

In a similar case, Ginny V. White and Jimmy D. White v. Ford Motor Company, CV–N–95–279–DWH (PHA), a 3-year-old child was crushed to death under the rear dual wheels of a Ford truck after it rolled suddenly down a grade. Here, Ford had known of the defect and knew how to correct it easily but did not do so. Punitive damages in that case were awarded at $150 million but have since been reduced to $69 million.

These cases are illustrative of the kind of headlines punitive damage awards make in the newspapers but how they are very frequently reduced. But again, the punitive damages do not really deal with the executives who make these decisions.

In the case of Fair v. Ford Motor Company, Civil Action 88–CI–101, 27 people were killed when a school bus in which they were riding burned after being struck by another vehicle. Punitive damages were upheld in this case where the facts showed that the fuel tank failure was preventable and that Ford had the capacity and the opportunity to prevent it and failed to do so.

In another similar case, Toyota Motor Company v. Moll, 438 So. 2d 192 (Fla. App. 1983), a Toyota Corona was struck in the rear, causing its fuel system to rupture and three women were burned to death. The court found malice on the part of Toyota because Toyota knew of the defective design of the fuel system and, in wanton disregard of the safety of the purchasing public, continued to market their 1973 Toyota Corona.

In Ford Motor Company v. Ammerman, 705 N.E. 2d 539 (Ind. App. 1999), the Court of Appeals for the Fifth Circuit of Indiana imposed punitive damages, finding malice on the part of Ford, when a Bronco slid sideways and rolled over causing very serious injuries, with the court saying:

''It is apparent to this court that Ford was motivated by profits rather than safety when it put into the stream of commerce a vehicle which it knew was dangerous and defective. Ignoring its own data and advice of its engineers, Ford manufactured a vehicle prone to roll-over accidents in spite of being aware that such accidents result in more serious injuries than any other.'' 705 N.E. 2d at 562.

There are similar findings in the famous breast implant case, Hopkins v. Dow Corning, 33 F.3d 1116 (9th Cir. 1994), where they knew that long studies of implants were needed before the product could be marketed but concealed the information.

Similarly, in the Dalkon Shield case, Tetuan v. A.H. Robins Co., 738 P.2d 1210 (Kan. 1987), thousands of women were presented with life-threatening and even fatal illnesses with the Kansas Supreme Court noting that the company deliberately and actively concealed the potential dangers of the product, thereby violating their duty to the public.

In the interest of time, I will summarize very briefly Batteast v. Wyeth Laboratories, Inc., 526 N.E. 2d 428 (Ill. App. 1 Dist. 1988), where punitive damages were awarded where drugs were given to individuals knowing of their dangerous propensity.

Similarly, in the case of Proctor v. Davis, 682 N.E. 2d 1203 (Ill. App. 1997), a patient had a retina detachment and blindness following the adverse effects of a drug which were known to the manufacturer but not disclosed.

In the brief time available this afternoon, I have summarized a series of cases which are only representative—where products have been put in interstate commerce, where there was knowledge on the part of individuals who put those products on the market that they would subject the individuals to risk of serious bodily injury or death, and, when death resulted, they were held liable, with the courts concluding that malice was established by the reckless disregard of the life of another.

When we have such a long sequence of cases, when we have the occasional imposition of punitive damages which are characteristically reduced and not really determinative or therapeutic anyway because it goes only after the shareholders as opposed to the individuals who have the ability to eliminate the problem, it is time there was adequate legislation on the Federal books to deal with this sort of problem.

I repeat, the culpability of Firestone or Ford has not yet been established, but it strains credulity that the key officials, based on what we heard yesterday in the hearing, did not know of these defects, and with the documents already at hand failed to take action to correct them. That is a matter to be determined.

But this legislation, if enacted, will certainly put the officials on notice that they cannot recklessly disregard human life for profits.

I yield the floor.

VICTIMS OF GUN VIOLENCE

Mr. KENNEDY. 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 the names of some of those who have 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. September 7, 1999: Ignacio Barba, 25, Oakland, CA; Ernest Bolton, 48, Dallas, TX; Steven Celestine, 5, Miami, FL; Fareed J. Chapman, 19, Chicago, IL; Selester Edward, 21, Louisville, KY; Samuel Girouard, 18, Bellingham, WA; Allen Howe, 32, New Orleans, LA; Robert Jenkins, 29, Charlotte, NC; Leo Kidd, 28, Detroit, MI; Alvin Marshall, 45, Pittsburgh, PA; Stacy Stewart, 28, St. Louis, MO; William Thornes, 23, Washington, DC; Darrly Towns, 15, Detroit, MI; Dao Vo, 19, Seattle, WA; Bathsheba Woodall, 23, Philadelphia, PA.

One of the gun violence victims I mentioned was only five years old. Steven Celestine, a little boy from Miami, was shot and killed one year ago today by his own father, as his mother tried to protect him in her arms during an argument between the parents.

We cannot sit back and allow such senseless gun violence to continue. The

deaths of this small child and the others I named are a reminder to all of us that we need to enact sensible gun legislation now.

HIGH ENERGY COSTS

Mr. GRASSLEY. Mr. President, I don't know whether other colleagues of mine have spoken today on this issue, but I would be surprised if some have not. I have not had an opportunity to hear what anybody else has said. It is with some dismay that we are, once again, faced this year with very high energy costs. The headline that I have in front of me from the Washington Post for today says, ''Oil Prices Hit a Ten-Year High; As Americans Face Costly Winter, U.S. Pressures OPEC on Output.''

In that headline, several things are considered: First of all, we have the highest worldwide energy prices since the gulf war, and the war was responsible for the high oil prices at that particular time—not OPEC cutting back oil, not bad U.S. domestic energy policy. The other thing that hits us is that the consumer is going to end up paying for this. Both points highlight that this administration has been promising us an energy plan to deal with this crisis situation. Let me be clear on that—an energy plan not for the future but to deal with the immediate crisis.

I had an opportunity to write a letter to the administration earlier this summer asking them to put forth a plan to meet potential shortages of fuel oil, propane gas, and natural gas—all used in home heating—so the health of our seniors is not threatened when we get cold weather. I have not had a response to that letter. Nothing of substance has come from my request.

I had a chance during the month of July, when Senator LUGAR had a hearing before the Agriculture Committee with Secretary of Energy Richardson, to ask questions of Secretary Richardson, and put forth the necessity of his coming forward with just such a plan. Yet nothing has been forthcoming. I should say nothing but what the story in the Post reminds us of—that this Administration's energy policy seems to consist of either the President of the United States or the Energy Secretary getting down on hands and knees to OPEC countries—and they tend to emphasize dealing with the Arab nations on this issue—to please pump more oil, produce more oil, send more oil to the industrialized parts of the world, particularly the United States. That is all we are seeing at this point. That is all we saw last spring from this administration to get the price of energy down—begging the OPEC nations, and particularly the Arab oil-producing nations, to send more oil. That is their response to the crisis.

This prompts me to tell my colleagues what I hope I will be able to do tonight as we discuss the energy and water bill. Since I have not had a response to my request to the Energy Secretary when he was before the Senate Agriculture Committee, and since I have not had a response to my letter to the President, as well as a letter to the Energy Secretary, I will be offering an amendment that will ask the administration to get this plan that we have been promised on the table. We need this plan so we can assure the consumers of America, particularly our more vulnerable consumers, the senior citizens, and particularly the most vulnerable senior citizens, those who are living alone, that we have a supply of energy for purchase at any cost. Hopefully the administration will come up with a plan that has a supply of energy that they can afford to pay for, and particularly a plan that doesn't require our senior citizens to choose between energy and food.

Also, I think it begs discussion of a bigger issue; that is, where has this administration been for the last 7 years on developing energy? For the most part, we have had a badly damaged oil exploration industry, and we have had workers who work in that industry finding jobs elsewhere. So even if that industry were to perk up and find places to drill and an incentive to drill, there are not enough workers to man the rigs because this administration has had a policy of deemphasizing domestic production.

So much of the land in the United States and our continental shelf, has been taken out of bounds for drilling, and in the case of natural gas, where two-thirds of the known supplies are available, there is no drilling where we know it is available under public lands.

I know of the concern for the environment. It seems to me we can have a balance between environmental policy and the domestic production of energy. We can have that because it is possible. We can have that because it is a necessity. It is a necessity because we cannot be held hostage by OPEC nations, and we can't be held hostage by Arab oil-producing nations and their leaders who want to put political pressure on the United States when it comes to a peace agreement involving Palestine and Israel, and all those issues that are acquainted with it.

We do not have to have military action in the Middle East now as we did at the time of the Persian Gulf war. But if we need to protect our oil, the flow of oil from the Middle East to the United States, we would not be able to put together that armada that we had 9 years ago to stop Saddam Hussein, what he was doing there, and what that caused in the energy situations in this country. That was the last time the energy prices went so high.

So we need from this administration a plan of what they are going to do to make sure there are not shortages in this country, what we can do to get the price down. We need that very soon. That is what my amendment will call for that I will offer this evening. We also need a policy of this administration to encourage the domestic production of oil and natural gas that we have available here so we aren't dependent upon OPEC for our sources of oil and natural gas.

I hope some of these issues will be discussed in the coming political campaign. I think on our side of the aisle, the Republican Party has a candidate who is well aware of the shortcomings of this administration on energy policy and will take steps, including fossil fuel availability, as well as renewable fuel availability to accomplish those goals.

While Governor Bush was campaigning in my State of Iowa during the first-in-the-nation caucuses that we had, I had the opportunity to travel throughout Iowa over the course of 4 or 5 days that I was helping him with his campaign. I had an opportunity to discuss some of these very tough issues and the direction that a new administration could take on renewable fuels such as ethanol, for example, renewable fuel incentives such as wind energy and biomass and tax incentives that are necessary for them to get rapidly started and a balance between renewable fuels and nonrenewable fuels.

I am satisfied that not only does the Governor of Texas come from a State where there is an understanding of the importance of fossil fuels—petroleum, natural gas, et cetera—but there is also an understanding that renewable sources of energy are very much an important part of the equation to make sure that the United States is not held hostage to OPEC nations as we see the President of the United States and the Energy Secretary begging OPEC to pump more oil.

I think with a new voice for energy independence in the White House, we will not have this very embarrassing situation that we find ourselves in, not just for the first time, but we found ourselves in this position in March, we found ourselves in this position in June when the leaders of this administration were hat in hand dealing with an OPEC organization controlling prices and controlling production, but if they were CEOs of oil companies in this country, doing the same sort of price fixing, they would be in prison.

What a spectacle of the President of the United States and the Energy Secretary dealing with these OPEC nations. That is an embarrassing situation. More important than just being embarrassing, it signals a national defense weakness of our country which must be based upon having certain access to energy. If we are going to be strong militarily, we won't have this embarrassment when a new face gets in the White House, if that new face is a

person that is committed to the domestic production of energy and committed to renewable sources of energy, and committed to making a point with OPEC that we don't intend to be dependent upon these nations holding us up, particularly after the American taxpayer gave $415 million of foreign aid to OPEC nations for them to use to buy the rope to strangle the American consumer economically and hurt our whole economy in the process. That is exactly what OPEC is doing when the price of our energy, the price of our fuel oil, goes up 30 percent.

I hope we have a new day. I want to have a new day. I hope for a new day. A lot of that is what the people decide in the coming election.

I yield the floor.

SENIOR SAFETY ACT

Mr. LEAHY. Mr. President, I rise today to encourage passage of the Seniors Safety Act, legislation I introduced along with Senators DASCHLE, KENNEDY, and TORRICELLI in March 1999. Eight additional Senators have signed on as cosponsors since then. Despite this broad support, however, the majority has declined even to hold hearings on this bill to fight crime against America's senior citizens. As Grandparents' Day approaches this Sunday, and as this Congress comes to a close, I urge the majority to join with us in our efforts to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation, the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetimes to earn. The Seniors Safety Act tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

First, this bill provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving Federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's ''proposed minimum standard'' for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. My bill would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, my proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could find out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convicted of fraud.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. My bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Fourth and finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.'' This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offense in both criminal and civil proceedings. It also protests whistle-blowers who alert law enforcement officers to examples of health care fraud.

This legislation is intended to focus attention on the particular criminal activities that victimize seniors the most. Congress should act on this bill now—when it comes to protecting our seniors, we have no time to waste. I am eager to work with the majority on this bill, and would be happy to consider any constructive improvements. Protecting seniors should be a bipartisan cause, and I want to pursue it in a bipartisan way. So I urge my colleagues on the other side of the aisle to look at this bill and work with us to improve the security of our seniors.

MISSILE DEFENSE

Mr. KYL. Mr. President, as you know, President Clinton recently announced that he would further delay deployment of a national missile defense system to protect the United States. Regrettably, although the President's decision was disappointing, it was not surprising given the track record of the Clinton-Gore administration. In fact, when one looks back over the past 8 years it is clear that this latest decision is merely the capstone to a string of poor decisions by this administration that have left us defenseless against a growing threat to America's security.

Time after time, the administration has taken steps to delay development of a system to defend against a missile threat that the Rumsfeld Commission, our intelligence agencies, and the Defense Department have said is increasingly serious. The administration has failed to pursue development of promising missile defense technologies, such as sea- and space-based defenses, has underfunded the limited programs it has authorized, and has pursued misguided arms control policies.

This week, Senator THAD COCHRAN released a report entitled ''Stubborn Things'' that chronicles the record of neglect by this administration toward missile defense. The report contains ten chapters, corresponding to each year over the past decade. Each chapter includes a chronological recitation of events relevant to ballistic missile defense, including the progression of the missile threat facing the United States, developments in arms control negotiations, as well as data on the level of funding devoted to these vital programs.

Senator COCHRAN named the report after a quote from John Adams, who said in 1770:

> Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.

True to the spirit of John Adams' admonition, Senator COCHRAN's report simply lays out fact after fact about what has transpired in the area of missile defense over the past decade. It is an excellent compilation of the events and decisions that have led us to our current situation.

For example, after the President announced that he would not authorize deployment of a national missile defense system, administration officials said the President had reached this decision in part because development of a booster for the ground-based system has lagged. But as Senator COCHRAN's report points out, this is a legacy of

one of his administration's first decisions after taking office. In February 1993, the administration returned unopened proposals by three teams of companies that had bid, at the request of the Defense Department, to develop a ground-based national missile defense interceptor.

The track record of the Clinton-Gore administration on missile defense is clear: they were slow to recognize the threat, failed to pursue the most promising forms of defense, underfunded the limited programs they half-heartedly pursued, and have failed to exercise leadership in addressing the concerns of our allies and other nations like Russia.

Senator COCHRAN and his able staff, Mitch Kugler, Dennis Ward, Dennis McDowell, Michael Loesch, Eric Desautels, Brad Sweet, and Julie Sander, are to be commended for producing this excellent report. By presenting the facts without rhetoric or spin they have significantly advanced the national debate on this important issue. I highly commend the report to my colleagues and to members of the public interested in this subject.

CELEBRATING CALIFORNIA'S DIVERSITY

Mrs. BOXER. Mr. President, this Saturday will mark the 150th anniversary of California's admission to the Union. As the people of our State prepare for this Sesquicentennial celebration, I want to celebrate California's most distinctive characteristic: its tremendous diversity.

California is ''a nation unto itself'' with great mountains and forests, vast deserts and fertile valleys, rolling hills and rugged coastlines. Within its borders can be found virtually every climate, every crop, every landform on earth.

But our greatest diversity—and our greatest asset—is the people of California.

California's diversity was apparent from the beginning. When the first Spanish pioneers crossed the Great Desert, they met Native Americans from more than 300 tribal and language groups. By the time Mexico and California gained independence from Spain, Alta California was home to many Europeans, Asians, and Pacific Islanders as well as Hispanics, North Americans, and Native Americans.

In 1849, when California held its constitutional convention, its 48 delegates included men from England, Scotland, Ireland, France, Switzerland, Mexico, and Spain. Thirteen of the delegates had been in California for less than a year; and William M. Gwin, who later became one of our first two U.S. Senators, had been here less than three months. Seven delegates had been born in California: their names were Vallejo, Carrillo, Pico, Dominguez, Rodriguez, Covarrubias, another Pico, and de la Guerra.

The Gold Rush brought new waves of pioneers from all over the globe. In their wake came workers from China, who built the great railroads, and Japanese farmers who fed the fortune hunters and made fortunes of their own.

During the Great Depression, thousands of internal immigrants fled the Dust Bowls of Texas and Oklahoma for greener pastures in California.

During World War II, thousands of African Americans migrated from the rural South to work in California's shipyards and other defense-related industries.

At the war's end, California had a wave of settlers from the U.S. Armed Forces: men and women who had shipped out of our beautiful ports and returned to stay when the war was over.

In recent years, new immigrants from Asia and Latin America have added to California's rich cultural mix, making our state the crossroads of the Pacific Rim and the new economy.

Today California's great diversity is reflected in our Congressional delegation, where our state is represented by people named BECERRA, and ROYBAL-ALLARD; FEINSTEIN, WAXMAN, and BERMAN; DIXON, WATERS, and LEE; PELOSI, GALLEGLY, and RADANOVICH; and FARR and MCKEON.

On Wednesday, September 13th, Representatives FARR and MCKEON will host a Sesquicentennial reception for Members of both Houses and both parties. I look forward to joining my California colleagues in celebrating our great state's proud history and bright future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 6, 2000, the Federal debt stood at $5,681,881,776,256.37, five trillion, six hundred eighty-one billion, eight hundred eighty-one million, seven hundred seventy-six thousand, two hundred fifty-six dollars and thirty-seven cents.

Five years ago, September 6, 1995, the Federal debt stood at $4,969,749,000,000, four trillion, nine hundred sixty-nine billion, seven hundred forty-nine million.

Ten years ago, September 6, 1990, the Federal debt stood at $3,243,845,000,000, three trillion, two hundred forty-three billion, eight hundred forty-five million.

Fifteen years ago, September 6, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million, which reflects a debt increase of almost $4 trillion—$3,858,780,776,256.37, three trillion, eight hundred fifty-eight billion, seven hundred eighty million, seven hundred seventy-six thousand, two hundred fifty-six dollars and thirty-seven cents, during the past 15 years.

ADDITIONAL STATEMENTS

THE NEW ECONOMY

• Mr. HOLLINGS. Mr. President, Ken Lipper, the CEO of Lipper & Company investment firm, is a man of many talents. Ken is a novelist, a film producer and one of the most profound thinkers with respect to the new economy. In a February speech at the University of California Technology Conference, he outlined the strategies we must employ to address today's economic problems. Although he delivered the speech seven months ago, it is still valid. I ask that the text of the speech be printed in the RECORD.

The text of the speech follows.

REMARKS OF KEN LIPPER

As of February 2000, the United States is in the 107th month of an economic boom, the longest in history. Even as this economic expansion continues, observers have been amazed that inflation remains a low 2.5 percent. Ordinarily, at the stage of ''full employment'' we are now enjoying—unemployment is at 4 percent, and is projected at 3.8 percent for the year 2000, with nearly 90 percent capacity utilization—there would be serious labor shortages and rising prices. As a result, the Federal Reserve would intervene to raise interest rates and tighten the money supply, causing the expansion to fizzle.

Why is this boom different? Currently there is an excess world capacity in basic manufacturing of goods and commodities, due in part to the Asian collapse combined with high unemployment and relatively slow growth in Europe. More important is the unprecedented and uninterrupted level of U.S. capital investment. Productivity has been increasing at historically high levels, an average of 2.5 percent each year, so that with a 3.2 percent annual wage increase, there is a real standard of living increase for workers without significantly increasing unit labor costs.

In addition, the amount and efficiency of capital behind each worker has increased. For example, in 2000, manufacturers expect to increase revenues 7.7 percent with only a 0.5 percent increase in their labor force; non-manufacturing sectors will increase revenues 6.9 percent with only a 1.4 percent labor force increase. These gains are possible thanks to a high level of investment in plant and equipment, which was up 21 percent in 1999 and is expected to rise another 15 percent in 2000. In non-manufacturing sectors, investment was up 4.7 percent in 1999 and expected to rise 8.7 percent in 2000. And this increased investment continues because a high consumer confidence level—now at an index of 144, compared to an average of 115—encourages corporations to expect growth in consumption.

Another factor keeping inflation low is heightened competition, both domestic and, thanks to free trade, foreign. The strong dollar magnifies the effect of this competition, translating into cheaper prices for imported goods. And buyers can also now compare prices by B–B commerce. As a result, 81 percent of manufacturers and 67 percent of non-

manufacturers report that they cannot pass along price increases to consumers. At the same time, low interest rates worldwide and the buoyant U.S. stock market have made for cheap capital availability, enabling the investments in productivity. The strong dollar and stock market have made up for the low U.S. savings rate—among the lowest in the world—by encouraging record levels of foreign investment, year in, year out.

Finally, the cost of investment capital has been held down because the U.S. government budget surplus takes the U.S. out of the bond market as an issuer competitive with businesses; indeed, the U.S. is now buying back old bonds and liquefying the market. U.S. and European municipalities are also borrowing much less worldwide. These trends force investment funds to be reallocated to the private sector, lowering the cost of capital.

These are the reasons why some people feel that the old economic paradigm the boom-to-bust cycle, is outmoded. But we have not repealed the business cycle; we have only added significant time to the boom equation. Ultimately, the laws of supply and demand will still have their impact.

The risks to our economy are apparent, and rising. The Asian economies are recovering. In Europe, unemployment is falling and the pace of economic growth is rising, while the Euro is beginning to take hold and compete for funds. This means that over time there could be no cheap imports to hold down inflation. These factors have expressed themselves already, in conjunction with rocketing U.S. consumption, huge oil price increases, an end to the decline in raw materials prices, and rising intermediate-product prices. And these pressures occur as a dwindling supply of new entrants to the U.S. labor force will begin to push up wages.

Aggregate U.S. profit margins decreased in 1999, because companies lacked pricing power. But as Asian and European economic recoveries absorb excess worldwide capacity, corporations will regain their pricing power to restore profit margins and pass on increasing costs.

The Federal Reserve is already intervening, and will continue to raise interest rates. Many have asked why these interventions are necessary when there is no current sign of rising inflation. One reason is that the Fed's actions generally take about 18 months to filter through the economy. But there are other justifications.

The first is labor. We have seen how labor has been able to get real standard of living increases without large wage increases, due to low inflation. But if labor anticipates inflation from the causes discussed above, it will build protective wage increases into multi-year settlements, in order to hedge its potential loss of buying power. This would accelerate the wage-price spiral that itself fuels further inflation. Thus the Federal Reserve is signaling labor of its determination to fight inflation.

Second, the Fed is also signaling Congress not to cut taxes or increase programs using the budget surplus, thus putting further pressure on available resources. The Fed's moves seem to indicate that it wants the national debt repaid and Social Security and Medicare funded.

Third, the Fed wants to dampen consumption due to the ''wealth effect,'' the stock market gains which are responsible for about 25 percent of the growth in U.S. GDP. Currently, over 50 percent of American households own stocks, with increasing numbers borrowing to carry them. People are spending based on presumed wealth from the stock market, a major difference from the time when consumption was directly linked to more predictable earned income.

Nobody knows how fast or how steep a fall in the stock market might be, given high debt levels, but consumption would certainly be affected. When the Japanese bubble burst, the stock market never recovered from its 50 percent loss, and no government program has succeeded in reviving the shocked Japanese consumer.

Fourth is the housing market. I expect housing starts to decline by 6 to 8 percent in the second half of 2000 due to rising mortgage rates, which will also affect existing housing prices. At a time of historically minuscule savings rates, how will the stock market investor and consumer react when both his storehouses of wealth—stock and homes—start to fall?

I expect that stock prices will recover during the first quarter and perhaps the first half of 2000, as profits reflect the high productivity investments already made and consumption continues unabated. But the risks touched on above will become increasingly evident, and the second half should begin to anticipate and express them in declining stock prices in the U.S. And the Federal Reserve will continue to increase interest rates.

Nobody can reliably predict when a stock boom will end. But this one seems to operate in an atmosphere of growing threat, and from lofty heights. NASDAQ has an unprecedented 178X multiple, which might be justified for a few companies but cannot be sustained for an aggregate, 4,700 entities. So how will it end?

Probably very suddenly, as other bubbles have burst; and they often take years to recover. On May 4, 1990, Christie's Evening Auction failed to attract bids; art prices tumbled 50 percent and the market evaporated. The price of gold reached a peak of 665 in September 1980; in January 1981 it was at 505; in March 1982 it had fallen to 320. The stock market plunged from a peak of 2650 in October 1987 to 1770 two months later. In Japan, the stockmarket collapsed from a peak of 39,000 in December 1989 to 21,000 in September 1990. And Russia defaulted on $2.5 billion of debt in August 1998, just two months after borrowing it.

What does this mean as a practical matter? Anyone who anticipates needing refinancing should do it sooner rather than later. Those who wish to liquidate some of their concentrated stock holdings should act now, to protect their future lifestyles. Corporate strategies that are based on a fast burn rate of cash, and that plan to get new money to reliquefy, should modify these plans to slow the burn rate in case refinancing is not easily available. And those who need refinancing should cultivate venture capital sources in Europe, where economic growth and an appetite for U.S. venture opportunities should provide a fertile alternative to a more subdued U.S. market.

Now I would like to turn from these dry ruminations on the economy to more value-oriented thoughts on building a business, based on my personal experiences as an entrepreneur. Creating an enterprise for nothing should be a reflection of your own values, fears, experiences, intellectual insights, and sense of what is important—becasue you, as the entrepreneur, must feel comfortable with running it. There is no single formula, but certain observations might prove applicable to your own situation.

Professor Bhide wrote in Harvard Business Review: ''Several principles are basic for successful start-ups: get operational fast * * * [and] don't try to hire the crack team. * * *'' These precepts are not supported by my own experience. The professor's recommendations place a huge premium on the exclusivity and value of an idea, and the notion that others could beat you out if you delay. These beliefs are responsible for a large number of helter-skelter business-launches-as-preemptive-strikes, premature introductions that fail due to poor product quality, weak delivery systems, inadequate customer support, or inadequate internal financial controls.

Every shoe-shine man will freely share his ideas with you. However, what counts is the implementation of an idea by a quality team of people. My products were carefully crafted and tested over two years, altered and risk-adjusted through examining results. A crack team was put together, with the first hire being Salomon's top accountant—because I wanted to know the limits of my dream before I acted beyond my resources, capacity, or risk profile.

Simply to the point: was it Prodigy's innovations, or Lotus's being first in the market, that won the software battle? Or was it Microsoft's better preparation for meeting and servicing customers' needs that won the day? You generally have one shot at the marketplace. And credibility depends on predictability. Make sure everything is carefully prepared in depth, no matter how long it takes, so that the product and its supports work as promised. Getting started is not the goal; permanency is!

Building many products and applications can be exciting in concept, but it is difficult in terms of financial and physical resources. I build my products narrowly and very deeply, so that we could equal any competitor in a specialty area. Editing out the many other opportunities is vital for concentrating resources and talent on the very few things that you can do best. Choose your product, refine it, and continuously monitor it based on experience. I chose specialty products that did not require muscularity of distribution, capital, and related support inputs, all of which favor existing large corporations. By developing a few intellectually rich products at the beginning, we weren't forced to compete head-on with the big boys, and therefore we could get profit margins and cash flow that provided fuel for further expansion.

I believe that many Internet retailers go into commodity-oriented businesses in which price is the key determinant, only to find that success means bigger losses and that old, dominant players can enter internet distribution at will and grab market share. Time is the most precious capital, so a business should only enter growing markets with a superior service or product, where decent profit margins are available over a long period of time.

It was my experience that becoming a brand name quickly is extraordinarily difficult. It requires a long period of exposure and in-depth, sustained advertising. Few newcomers have the necessary financial staying-power, so avoid spending money on ineffectual ads. If your business strategy requires you to promote the product enormously, then maybe it is the wrong product choice. Remember that it is easier for GM or Toys R Us to learn how to use the Internet than for you to gain their brand images. And, conversely, once the speculative fever recedes, why would anyone pay 9 times earnings for Macy's and 1,000 times revenues for a wannabe whose aspiration is to maybe become the Macy's of the Web?

It is also important not to gild the lily technologically. Think of the customer's technical competence and how he will actually use your product. My biggest recent error was listening to a tech analyst who told me not to buy AOL at $26 a pre-split share, because there were technically superior products. The mix between technology and user friendliness is vital. After all, do you use Betamax or VHS?

In building a business, it is crucial to put emphasis on becoming an institution. I found that it takes two years for a person to feel comfortable in a corporate culture, so it is better to build a team in anticipation of growth than in response to it. Invest early and heavily in support systems, in the areas of client service, electronic information, and financial controls. Let everyone know what is expected of him or her through clear communication, so that employees are moving in the direction of corporate goals. My company has never been star-oriented, in a star-studded industry. Good organization creates a whole that is more than the sum of its parts.

Relationships are key to success, and that means knowing the people in your arena. Biotech executives should know the important people in the FDA, the universities, and the pharmaceutical companies. And relationships should be maintained for the long term. Remember, credibility equals predictability; long relationships allow people to judge you based on past interactions. It's too late if you only meet people when you need them.

Personnel turnover is a significant problem today. The mantra everywhere is stock options, the chance to get rich quick. This leads to high turnover if a company has actual or perceived problems, or, on the other hand, if it is too successful and young people get rich quick. In my company, which is family owned, we have low turnover. We build loyalty in three important ways. First, all employees share in profits; we have a flatter compensation scheme than many technology companies. Second, there is justice in allocating rewards over long periods of time. Our people know that we have permanency; we give them a long-term horizon, with expectation of growing rewards over time.

Third, our people feel safe. There are no politics, few layoffs, and no acting out; people check their egos at the door. We breed loyalty through civility. People are trained and moved around the company to keep the interest level high, and promotions are made internally. The culture is kept strong by outsourcing and a small number of hires. And finally, there is a single decision-maker; everyone has input, but I make the final decision based on careful research and many individual inputs. There is no ranting or screaming by anyone; instead, there is a free flow of ideas, tentative acceptance, and thorough investigations, so that all communication moves back and forth.

A great business idea, or a great scientific idea, does not just come about through hard work and incremental advances. It is more like poetry. It is about having the imagination and heart to strike out on a path that others didn't dare to follow, or didn't see in its entirety. Implementation, management skills, and the ability to anticipate customer needs are built on a knowledge of how human beings react. These types of imagination and understanding are more likely to come from wellness than from frenzy. I don't subscribe to the continuous-all-nighters, no-personal-life recipe for success. For a super-successful entrepreneur, having broad horizon—through reading fiction and biography, appreciating art, and interacting socially with a variety of people—is more important than working yet another Sunday.

But there is more at stake than business success. You want to be a happy person, a good father, a community builder. I find that I can only eat one tuna-fish sandwich at lunch, no matter how many millions I have earned. Money can give you time, and how you spend that time is key. And wise expenditure of personal time on human development can also help you make money, because knowledge, experience, and wisdom are usually the key to the ''poetic'' business idea.

Young people are leaving college to make quick money, like a gold rush. But life is about more than money or success or technical achievement. It is critical that people see the world in vibrant colors and in multiple shades. To raise children, face the death of parents, appreciate beauty, even make love well, people need emotional and intellectual depth. These come from being exposed to the collective experience of civilization, which is transmitted through books and a liberal education.

In the scheme of your success, it will not make a difference if you leave school two years early; but it could alter your life greatly. Absorb the intangibles, not just because they will give you the imagination to come up with ''poetic'' business ideas to help you deal with customers, but also because they will give meaning to the life you lead, whether you succeed materially or not. After all, living life well, in all its dimensions, is what it's all about.●

IN APPRECIATION OF GENERAL TERRENCE DAKE'S SERVICE

● Mr. BOND. Mr. President, it is my great honor to rise today to pay tribute to a fellow Missourian who has served our Nation honorably for more then three decades in war and peace. In October, General Terrence Dake, Assistant Commandant of the Marine Corps, will retire after more then 34 years of service as a Marine.

A native of Rocky Comfort in the Missouri Ozarks, General Dake earned undergraduate degrees from the College of the Ozarks and the University of Arkansas. From there he proceeded to Marine Corps Officer Candidate School in Quantico, VA. He was commissioned a Second Lieutenant upon graduation from OCS in October 1966. With the echoes of conflict in South East Asia sounding here at home, Second Lieutenant Dake reported directly to aviator training in Pensacola, Florida. He received his wings designating him a Naval Aviator on the 25th of January, 1968. He was tested in combat when he reported to South East Asia and piloted CH–53A Sea Stallion helicopters in Vietnam. Lieutenant Dake earned numerous awards while accumulating over 6,000 flight hours in military aircraft. Highlights of his extensive aviation experience include service as the President's helicopter pilot and as the Commanding Officer of Marine Helicopter Squadron One.

General Dake's distinguished career has been accompanied with a rise through the ranks, including service as the Director of Training and Doctrine with the Commander-in-Chief of the U.S. Atlantic Command and as Assistant Chief of Staff of Operations for the 3rd Marine Aircraft Wing during Operation Desert Shield/Storm. It is significant to note that this was the largest aircraft wing ever fielded in combat by the Marine Corps.

General Dake was promoted to Brigadier General in March, 1992. His assignments as a General Officer included service as Assistant Deputy Chief of Staff of Aviation; Inspector General of the Marine Corps; Deputy Commanding General, Marine Corps Combat Development Command; Commanding General, 3rd Marine Aircraft Wing; and Deputy Chief of Staff for Aviation. During his time as Deputy Chief of Staff for Aviation the Marine Corps embarked on its historic aviation campaign plan which has manifested itself in the development of the V–22 Osprey and the Joint Strike Fighter.

General Dake assumed his present position as the Assistant Commandant of the Marine Corps on September 5, 1998. For his service as the Assistant Commandant, General Dake was awarded the Distinguished Service Medal. General Dake also earned the ''Silver Hawk Award.'' Presented by the Marine Corps Aviation Association, the Silver Hawk Award is given to the active-duty Marine Aviator with the most senior date of designation.

Not all of General Dake's achievements took place in aircraft or in command of major units. General Dake's commitment to his troops was evidenced in his efforts in tackling two of the most difficult issues facing the Department of Defense today: health care and readiness. As a member of the Defense Medical and Senior Readiness Oversight Committees, General Dake worked to improve readiness and ensure that the entire military family—active, reserve, and retiree—were provided quality health care.

Any tribute to General Dake would be inadequate without recognizing the contributions of his wife and family. As with so many of our fine members of the Armed Services, his career would not be what it is today were it not for their steadfast support throughout the years. Mrs. Dake is a recipient of the Distinguished Public Service Award, presented for her superior public service in support of uniformed personnel and their families. As we pay tribute to him today we also commend and honor her for her commitment and perseverance on behalf of Marines ''in every place and clime.''

I also recognize the other members of General Dake's family. The Dakes have two children, a daughter, Jana, and son, Joshua. Jana is married to Captain Ken Karika, USMC, and is the

mother of the Dake's grandchild, Jack. They too have taken part in the sacrifice required to be a military family and deserve our gratitude.

The Marine Corps often states that there are no ex-Marines, only Marines who are no longer actively serving. It is comforting to know that General Dake will continue to serve our nation and set an example for others to follow long into the future.

As General and Mrs. Dake move from the active duty community to the retired community, it is appropriate that this body stop and honor a man and his family who made countless sacrifices for duty, honor, country.●

IN MEMORY OF MONSIGNOR HENRY J. DZIADOSZ

● Mr. DODD. Mr. President, I rise today to pay tribute to the late Monsignor Henry J. Dziadosz, J.C.D., a beloved friend and respected clergyman. Monsignor Henry was a priest for fifty-one years, including twenty-nine years as pastor at St. Bridget of Kildare Parish, my home church in Moodus, Connecticut. He made numerous sacrifices for his community and strove throughout his clerical live to instill a spirit of caring in the lives of his parishioners. At Monsignor Henry's retirement party several years ago, he stated, ''When I first came here, I told them that the family spirit was my goal. No one should have to cry alone and no one should ever laugh alone. In all the accomplishments, it is the creation of this spirit that I am most proud of.'' Everyone who know this remarkable man would agree that his devotion to his parishioners has made a lasting impact on the lives he has touched.

Monsignor Henry was destined to the priesthood from his early years. He attended St. Stanislaus School as a young boy, graduated from Meriden High School, and enrolled in the St. Thomas Seminary, where he earned his associate's degree in philosophy. He continued his theological studies at Catholic University of America in Washington, D.C., and was awarded the Basselin Scholarship. On May 26, 1949, then Father-Henry was ordained to the Priesthood in St. Joseph Cathedral in Hartford and accepted an assignment as Assistant Pastor of the St. Joseph Parish in Norwich. Father Henry then moved to New London's Our Lady of Perpetual Help Parish before returning to continue his studies at the Catholic University of America. It was his profoundly inquisitive nature and genuine thirst for knowledge that caused Father Henry to pursue a doctoral degree in 1955. He earned his degree in Canon Law, and was subsequently assigned to the Diocesan Chancery in Norwich, where he served as assistant to the chief judge of the Diocesan Tribunal and as the assistant chancellor. Always a bright student and quick study, Father Henry was soon appointed Officialis, or Chief Judge, of the tribunal, and administrator of St. John's Mission in Fitchville. Father's Henry energy, compassion and achievement drew notice from the highest levels of the Church and in 1965 Pope Paul VI named him a prelate of honor and awarded him the title of Monsignor.

Monsignor Henry first arrived at St. Bridget in 1969, and dedicated the next twenty-nine years of his life to the service of the parish. St. Bridget's landscape bears witness to the many tangible accomplishments Monsignor Henry has achieved, including the Lady of Lourdes Grotto, the Religious Education Center, the Bicentennial Pavilion, the Stained Glass Doors, the Skylights, the beautification of the church grounds, and numerous other improvements. In honor of his dedication and commitment to St. Bridget, the education center, which he was instrumental in founding, will henceforth be called the Monsignor Henry J. Dziadosz Religious Education Center.

At the Parish Mass for Monsignor Henry, Father Marek Masnicki described a priest's duties, and expressed how Monsignor Henry was the epitome of what every priest strives to be. ''A priest is called to respond to the poor and the broken and in this he touches the face of Jesus Christ. We expect a great deal from our priests, and priests expect a great deal from themselves. The priest makes sacrifices on behalf of the community. He offers his humanity and that of the community to Christ until he comes again. Priests take their cue from Jesus Christ each day. All this can apply to the fifty-one years of the priestly ministry of Monsignor Dziadosz.''

Monsignor Henry was my pastor for a number of years. And while he was an accomplished man, a man whose priestly accomplishments were recognized by the Pope, it was his compassion and humanity that made him a truly remarkable shepherd for his flock, a flock of which I feel deeply fortunate to have been a part.

There isn't a doctorate for ministering day in and day out to the spiritual needs of a community. There isn't a grand award for caring deeply about one's neighbors. But you will find that we often have a name for people who conduct themselves in these ways: priest, rabbi, sheik or monk. These people dedicate themselves to the service of God, and in doing so provide an example for the rest of us to follow. Monsignor Henry was a wonderful priest and he took joy in the simple daily rituals of that life. He was dearly loved by the people of his parish and he will be deeply missed.●

RECOGNITION OF LANNY FRATTARE FOR HIS 25 YEARS OF SERVICE TO THE PITTSBURGH PIRATES

● Mr. SANTORUM. Mr. President, I would like to take a few minutes of Senate business to recognize a man who I hold in the highest regard, Mr. Lanny Frattare. Mr. Frattare has been a tremendous figure and icon to the people of Pittsburgh, Pennsylvania. He has contributed energy and timeless hours to the Pittsburgh community through his involvement with the Pirates, the Parent and Child Guidance Center, the Cystic Fibrosis Foundation, Goodwill Industries, and Bob Prince Charities.

Lanny Frattare is celebrating his twenty-fifth year as ''The Voice of the Pirates,'' announcing more than 3,500 games. Only Bob Prince has described the action of Pirate baseball longer, 28 years. Mr. Frattare was even gracious enough to let me join him in the announcer's box for several games over the years, which was definitely one of my greatest thrills as a Pittsburgher.

A native of Rochester, New York, Frattare received has bachelor's degree in communications from Ithaca College in 1970. His baseball broadcasting career began in 1968 with the Geneva Senators, a Class A team in New York. Frattare's association with the Pirates organization began in 1974 and 1975 when he broadcast games for the Triple-A West Virginia team, the Charleston Charlies. He was also a radio DJ and Sports Director at WBBF in Rochester before joining the Pirates in 1976.

''There was no doubt about it''—Lanny Frattare continues to make significant impact on his listeners and on the history of the Pittsburgh Pirates. I feel privileged to know him and see the contributions he's made to the Pittsburgh community.●

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.)

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe, Sr. Post Office Building.''

H.R. 3454. An act to designate the United States Post Office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office.''

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building.''

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building.''

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building.''

H.R. 4534. An act to redesignate the facility of the United States Postal Services located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building.''

H.R. 4615. An act 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.''

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building.''

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe, Sr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office''; to the Committee on Governmental Affairs.

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4615. An act 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.

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building''; to the Committee on Governmental Affairs.

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–10580. A communication from the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for Fiscal Year 2001; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Small Business; Veterans' Affairs; Indian Affairs; Intelligence; Appropriations; and the Budget.

EC–10581. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to recessions and deferrals; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Armed Services; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Environment and Public Works; and Foreign Relations.

EC–10582. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 2001, if a sequester is necessary; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; and Armed Services.

EC–10583. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Banking, Housing, and Urban Affairs; Energy and Natural Resources; and Foreign Relations.

EC–10584. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AG08) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10585. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Early Season'' (RIN1018–AG08) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10586. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program'' (FRL #6860–1), ''Approval and Promulgation of Implementation Plans; Control of Air Pollution from Volatile Organic Compounds, Transfer Operations, Loading and Unloading of Volatile Organic Compounds'' (FRL #6862–5), ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland, Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL #6862–4), ''Use of Alternative Analytical Test Methods in the Reformulated Gasoline Program'' (FRL #6855–8) received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10587. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Considering Ecological Processes in Environmental Impact Assessment'' and ''EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Review'' received on August 29, 2000; to the Committee on Environment and Public Works.

EC–10588. A communication from the Acting Assistant Secretary for Fish and Wildlife Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Approval of tungsten-matrix shot as nontoxic for hunting waterfowl and coots'' (RIN1018–AG22) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10589. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on four items; to the Committee on Environment and Public Works.

EC–10590. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''National Emission Standards for Halogenated Solvent Cleansing'' (FRL #6866–3) and ''Request for Statement of Qualifications (RFQ) for Administrative, Technical and Scientific Support to the Chesapeake Bay Program; Fiscal Years 2001–2006'' received on September 5, 2000; to the Committee on Environment and Public Works.

EC–10591. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled ''Establishment of Alternative Compliance Periods under the Anti-Dumping Program'' (FRL #6864–8), ''Hazardous Air Pollutants: Amendments to the Approval of State Programs and Delegation of Federal Authorities'' (FRL #6864–6), and ''Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District'' (FRL #6853–7) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10592. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for one Steelhead Evolutionarily Significant Unit (ESU) in California'' (RIN1018–AN58) received on August 31, 2000; to the Committee on Environment and Public Works.

EC–10593. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Import/Export User Fees'' (Docket #97–058–2) received on August 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10594. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plum Pox'' (Docket #00–034–2) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10595. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Addition to Quarantines Areas'' (Docket #00–036–1) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10596. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability'' (RIN0584–AC91) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10597. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting pursuant to law, the report of a rule entitled ''Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers: Amendments to the Provisions Governing Subordination Agreements Included in the Net Capital of a Futures Commission Merchant or Independent Introducing Broker'' (RIN3038–AB54) received on August 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10598. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pink Bollworm Regulated Areas'' (Docket #00–009–2) received on September 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10599. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to religious freedom; to the Committee on Foreign Relations.

EC–10600. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–10601. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to juvenile justice and delinquency prevention; to the Committee on the Judiciary.

EC–10602. A communication from the Acting General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Arrangement of Transportation of Freight and Cargo'' (RIN3245–AE27) received on August 30, 2000; to the Committee on Small Business.

EC–10603. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on the operation of the United States trade agreements program, calendar year 1999; to the Committee on Finance.

EC–10604. A communication from the President of the United States, transmitting, pursuant to law, the intent to add Nigeria to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC–10605. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Continuity of Interest'' (RIN1545–AV81) received on August 30, 2000; to the Committee on Finance.

EC–10606. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority (99R–282P)'' (RIN1512–AC01) received on August 30, 2000; to the Committee on Finance.

EC–10607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Case Resolution Pilot Notice'' (Notice 2000–53, 2000–38 I.R.B.) received on August 31, 2000; to the Committee on Finance.

EC–10608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Lessee Construction Allowances for Short-Term Leases'' (RIN1545–AW16) received on September 5, 2000; to the Committee on Finance.

EC–10609. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs'' (RIN1117–AA54) received on July 24, 2000; to the Committee on the Judiciary.

EC–10610. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (RINKY–226–FOR) received on August 31, 2000; to the Committee on Energy and Natural Resources.

EC–10611. A communication from the Assistant Director, Communications, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Supplementary Rules on Public Land in Utah within Grand Staircase Escalante National Monument and at associated facilities'' (RIN1004–AD40) received on August 31, 2000; to the Committee on Energy and Natural Resources.

EC–10612. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases; Apprehension and Detention of Persons With Specific Diseases; Transfer of Regulations'' received on August 30, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10613. A communication from the General Counsel of the Corporation for National Community Service, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' received on September 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10614. A communication from the Acting Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Competitive Preference for Fiscal Year 2001 for the Rehabilitation Long-Term Training and Rehabilitation Continuing Education Programs'' (RIN89.129L and 84.264B) received on August 29, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10615. A communication from the Deputy Secretary of the Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Rule 12f–2 under the Securities Exchange Act of 1934, 17 CFR 240.12f–2, 'Extending Unlisted Trading Privileges to a Security that is the Subject of an Initial Public Offering' '' received on August 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10616. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN2501–AC42 (FR–4301–F–02)) received on August 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–613. A resolution adopted by the Council of the Borough of Surf City, New Jersey relative to the dumping of dredged material; to the Committee on Environment and Public Works.

POM–614. A resolution adopted by the Township of Manchester, New Jersey relative to the ''Mud Dump Site''; to the Committee on Environment and Public Works.

POM–615. A resolution adopted by the City Council of Portsmouth, Ohio relative to the Uranium Enrichment Plant; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1536: A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes (Rept. No. 106–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1925: A bill to promote environmental restoration around the Lake Tahoe basin (Rept. No. 106–400).

S. 2048: A bill to establish the San Rafal Western Legacy District in the State of Utah, and for other purposes (Rept. No. 106–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2069: A bill to permit the conveyance of certain land in Powell, Wyoming (Rept. No. 106–402).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2239: A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins (Rept. No. 106–403).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. BYRD, for Mr. WARNER, from the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Holland, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glen W. Moorhead III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 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, and as a Senior Member of the Military Staff Committee:

To be lieutenant general

Maj. Gen. John P. Abizaid, 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. Edward G. Anderson III, 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. Bryan D. Brown, 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. William P. Tangney, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael P. Delong, 0000

By Mr. INHOFE, for Mr. WARNER, from the Committee on Armed Services:

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Peter Pace, 0000

(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. INHOFE:

S. 3013. To make technical amendments concerning contracts affecting certain Indian tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER:

S. 3014. A bill to amend title 18 of the US Code to penalize the knowing and reckless introduction of a defective product into interstate commerce; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 3015. A bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. JEFFORDS, Mr. GRAMM, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. NICKLES, Mr. LOTT, Mr. STEVENS, Mr. FRIST, Mr. DOMENICI, Mr. CRAIG, and Mr. GRAMS):

S. 3016. To amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. STEVENS, and Mr. FRIST):

S. 3017. A bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. JOHNSON):

S. 3018. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE:

S. 3019. A bill to clarify the Federal relationship to the Shawnee Tribe as a distinct Indian tribe, to clarify the status of the members of the Shawnee Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAMS (for himself, Mr. BAUCUS, Mr. INHOFE, Mr. GREGG, and Mrs. HUTCHISON):

S. 3020. A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, and Mrs. FEINSTEIN):

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON:

S. Res. 349. A resolution to designate September 7, 2000 as ''National Safe Television for All-Ages Day''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. INHOFE:

S. 3013. To make technical amendments concerning contracts affecting certain Indian tribes in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

LEGISLATION CONCERNING CONTRACTS AFFECTING CERTAIN INDIAN TRIBES IN OKLAHOMA

Mr. INHOFE. Mr. President, today I am pleased to introduce legislation which will remedy a long outdated statute which impedes economic development for the Five Civilized Tribes of Oklahoma. For years tribes have been required to seek approval by the Secretary of the Interior before they may engage in contracts. Section 81, as it is known, provides that a contract 'relating to Indian lands' is not valid unless it is approved by the Secretary. This statute was enacted with good intentions but unfortunately has outgrown its usefulness. Today this provision constitutes a confusing legal obstacle for tribal development.

Early last year, Senator BEN NIGHTHORSE CAMPBELL introduced comprehensive legislation to address the current problems associated with this statute. That legislation has passed the Senate and now awaits action before the House. However, the Five Tribes have often been treated with separate statutes unique to eastern Oklahoma. The legislation I propose simply corrects a technical oversight which affects only the Five Civilized Tribes of Oklahoma which is commonly referred to as Section 82a. Without this correction, the Five Civilized Tribes of Oklahoma would be the only tribes in the nation which may still be required to seek Secretarial approval for these contracts. I urge my colleagues to join me in correcting this oversight.

Mr. ASHCROFT:

S. 3015. A bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

THE KANSAS AND MISSOURI METROPOLITAN CULTURAL DISTRICT COMPACT ACT OF 2000

Mr. ASHCROFT. Mr. President, today I rise to introduce a bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Cultural District Compact.

This bill would allow the people in 2002, or after, to consider additional projects which contribute or enhance the aesthetic, artistic, historical, intellectual of social development or appreciation of members of the general public. This definition has been expanded to include sports facilities. This compact has made the restoration of Kansas City's Union Station possible.

The original enabling legislation, which passed in 1994 established a bi-state cultural district for the Kansas City metropolitan area of five counties in Western Missouri and Eastern Kansas. This provides a secure source of local funding for metropolitan cooperation across state lines to restore historic structures and cultural facilities. The Federal authority for this bi-state compact expires at the end of 2001. We must see to it that a new compact is approved to continue this successful venture.

Mr. President, this legislation does not cost the Federal government any money. It is funded through a ⅛ sales tax, passed by the voters of Jackson, Johnson, Clay and Platte counties, and merely needs Federal approval. This measure is a perfect example of the appropriate relationship between the Federal government and the states. This approval would allow these local communities to make decisions on how—and whether—their tax dollars are to be spent on cultural activities.

This bill has bipartisan support in the House of Representatives. The companion legislation, HR 4700, passed the House Judiciary Committee by voice vote and the full House also by voice vote. It is supported by the Greater Kansas City Chamber of Commerce, the Mid-American Regional Council, the Overland Park Chamber of Commerce, Kansas City Area Development Council, Johnson County President's Council, Labor-Management Council of Greater Kansas City, Jackson County Executive, Kansas Governor Bill Graves, and Missouri Governor Mel Carnahan.

Mr. ROTH (for himself, Mr. JEFFORDS, Mr. GRAMM, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. NICKLES, Mr. LOTT, Mr. STEVENS, Mr. FRIST, Mr. DOMENICI, Mr. CRAIG, and Mr. GRAMS):

S. 3016. To amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs; to the Committee on Finance.

MEDICARE TEMPORARY DRUG ASSISTANCE ACT

Mr. ROTH. Mr. President, for the past two years, the Finance Committee has been working on comprehensive Medicare reform—reform intended both to modernize the Medicare benefit package, which would include the creation of an outpatient prescription drug benefit, and to protect the long-term solvency of the program. The Committee has held 15 hearings on many different aspects of Medicare reform. We have listened to testimony from scores of witnesses.

And we appreciate how important, but also how complex an undertaking Medicare reform is, as what we do will affect 40 million Americans who rely on the program.

Working closely with colleagues on both sides of the aisle, this July I introduced an ambitious Medicare plan that took the best ideas from Republicans and Democrats—a plan that would achieve the modern reforms we all seek. I am committed to adding a comprehensive prescription drug benefit to the Medicare program, coupled with other major reforms that are badly needed.

The plan that I have been working on includes not only comprehensive drug coverage added to the basic Medicare benefit package, but improvements to hospital and other benefits, low-income beneficiary protections, access to medical technologies, private sector drug benefit management, improvements to Medicare's long-term solvency and a strengthened Medicare+Choice Program.

I have been working for several months to refine my bill and to get the finalized estimates from the Congressional Budget Office that are necessary to advance any major piece of legislation in the Congress. These steps are also essential to make sure that the program is kept affordable for beneficiaries and taxpayers alike. I intend shortly to share the latest information with my colleagues on the Finance Committee.

It is my intention to continue to work aggressively with my colleagues on the Finance Committee—as well as with all members of this body—to build on my initiative introduced in July and to move ahead with successful bipartisan reform. I appreciate the strong interest and support our agenda for reform is receiving from both sides of the aisle.

However, there are real reasons why we don't yet have agreement on Medicare. Program reform efforts are enormously complex. In no small part because Medicare is such an important part of our social fabric. We must work through extraordinarily diverse views on the proper role of government, how best to achieve affordability for beneficiaries and taxpayers—all while ensuring stability and continuity in the program.

In view of the fact that at this time there is no clear consensus on comprehensive reform, and that even if there were, such reform would take two or three years to implement, I am today introducing legislation that will help us see that low-income beneficiaries are not denied prescription drug coverage while we continue to move forward with long-term reform.

I call this legislation the Medicare Temporary Drug Assistance Act, and it actually includes two versions—one that meets current budget guidelines and will only require a simple majority for passage, and a second version that is larger, covers more beneficiaries, but exceeds budget guidelines and will thus require a sixty-vote majority.

I call this initiative the Medicare Temporary Drug Assistance Act, because that's exactly what it is. This effort is not to be mistaken with the lasting, comprehensive Medicare reform that we will continue to aggressively pursue—a reform effort that will build on our more comprehensive plan offered in July. What this temporary legislation offers is an assurance to low-income seniors that they will be able to receive the help they need while Congress completes the larger task of overhauling the Medicare program.

It's an assurance that their immediate needs will not be put on hold as we deliberate and debate the complex intricacies of long-term Medicare reform.

In testimony before our committee, the AARP repeatedly reminded us how important it is that we proceed carefully with long-term reform. AARP also told our Committee that a program aiding low-income beneficiaries could be achieved in a shorter time frame. I agree with their assessment and support the goal of providing immediate help to low-income beneficiaries.

And this is what my legislation will do—it allows us to continue the intricate work of long-term reform without forcing Americans to dilute their prescription dosages or to choose between prescription drugs and food.

It is my hope—as I believe there is sufficient bipartisan consensus on the subject of prescription drug coverage—that we can come together to pass this legislation. Like I've said, the first version of this bill requires only a simple majority. It has been designed to fit within current budget restrictions.

Having my preference, Mr. President, I would like to see us pass the broader version that will require sixty votes, as it will offer more extensive coverage. But either way, these bills—once enacted—will implement a temporary, state-based, program to provide low-income Medicare beneficiaries with prescription drug coverage outside the Medicare program.

Now, Mr. President, let me clear up a couple of misunderstandings that appear to surround this. First of all, I have heard concerns raised that this legislation depends on the appropriations process for funding. This is wrong; they do not. Just like the State Children Health Insurance Program, funding is mandatory under the Social Security Act.

Second, I know that some have tried to attach a welfare stigma to the new program. Let me be clear: prescription drug coverage is not welfare, it is common sense. Frankly, I am surprised that there are those who would imply otherwise, because for years, we have worked to de-stigmatize important programs such as Medicaid and the State Children's Health Insurance Program.

The legislation I'm introducing is modeled on the State Children's Health Insurance Program—a solution designed to extend drug coverage to lower-income Medicare beneficiaries—beneficiaries with incomes below 150 percent of the poverty, and those with the highest out-of-pocket drug costs. If we have sufficient support to pass the more generous measure, we can cover beneficiaries up to 175 percent of the poverty level.

State participation in the new program would be optional, as it is under SCHIP. According to the National Conference of State Legislatures, 22 states have passed some type of pharmacy assistance law. Senior Pharmacy Assistance Programs currently are in place in 16 states, and another five states have passed laws to create such programs. Many of these states will likely opt to immediately participate in the new program—receiving federal funds to allow them to quickly expand their programs to provide drug benefits to even more Medicare beneficiaries.

Eligible beneficiaries living in states that choose not to participate in the new program would receive coverage through a fall-back option administered by the Health Care Financing Administration. HCFA would contract with a pharmacy benefit manager to provide these beneficiaries with a drug benefit comparable to that offered to all Federal employees through the Blue Cross Standard Option plan.

Under either scenario, beneficiaries will receive immediate assistance. They will not have to wait, they will not have to wonder, and most importantly they will not have to worry about what happens in Washington.

Again, Mr. President, this effort is not to be mistaken with the lasting, comprehensive Medicare reform that we must continue to pursue. It is best seen as a bridge—a bridge that will provide a low-income Medicare beneficiaries with prescription drugs—a bridge that the Washington Post acknowledged just today would be of material value to lower-income individuals while we continue our work on long-term, bipartisan reform.

I will continue to work in the Finance Committee toward long-term Medicare reform—reform which will include a comprehensive outpatient prescription drug benefit. If we can't pass such a package this year, we will resume our efforts on the first day of the next session, and we will not stop until we get the job done. But low-income Medicare beneficiaries should not have to wait for comprehensive reform to be enacted in order to receive prescription drug benefits.

This legislation will provide prescription drug coverage and peace of mind while Congress continues to work on the larger reform package. Passing it will certainly not obviate the need, nor diminish the pressing objective that we will have to achieve Medicare reform. There is no argument on either side of the aisle that long-term reform is not necessary. But in the interim, we should also take this step.

Then when we get the long-term reform initiative passed—when comprehensive reform is enacted—this interim step will automatically be repealed. In that way, it will not replace or compete with reform. But it will provide valuable protection for many. Full enactment of this legislation will ensure that 82 percent of all Medicare beneficiaries will have prescription drug coverage, through the new program and through other sources of coverage. If Congress votes for increased coverage, 85 percent of all Medicare beneficiaries would have prescription drug coverage.

Mr. President, I urge my colleagues to join me on this important issue. Our many successes in advancing the Medicare program these last three years have been achieved through cooperation from both sides of the aisle. We have seen what we can do when we move forward on those issues where we have a consensus. Now, let's join together to take this step, as well. Let's implement a principle on which I believe we all agree—helping our neediest Medicare beneficiaries pay for their prescription drugs. Toward achieving this important objective, there is no legitimate reason to delay.

Mr. President, I ask unanimous consent that the bill I am introducing be printed in the RECORD following my remarks.

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

S. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Temporary Drug Assistance Act''.

SEC. 2. OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

''TITLE XXII—OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM

''SEC. 2201. PURPOSE; OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

''(a) PURPOSE.—The purpose of this title is to provide funds to States to enable States, individually or in a group, to establish a program, separate from the medicaid program under title XIX, to provide assistance to low-income medicare beneficiaries (as defined in section 2202(b)) and, at State option, medicare beneficiaries with high drug costs (as defined in section 2202(c)) to obtain coverage for outpatient prescription drugs.

''(b) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN REQUIRED.—A State may not receive payments under section 2205 unless the State, individually or as part of a group of States, submits in writing to the Secretary an outpatient prescription drug assistance plan under section 2206(a)(1) that—

''(1) describes how the State or group of States intends to use the funds provided under this title to provide outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs consistent with the provisions of this title;

''(2) includes a description of the budget for the plan (updated periodically as necessary) and details on the planned use of funds, the sources of the non-Federal share of plan expenditures, and any requirements for cost-sharing by beneficiaries;

''(3) describes the procedures to be used to ensure that the outpatient prescription drug assistance provided to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs under the plan does not supplant coverage for outpatient prescription drugs available to such beneficiaries under group health plans; and

''(4) has been approved by the Secretary under section 2206(a)(2).

''(c) ENTITLEMENT.—Subject to subsection (d)(2), this title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States, groups of States, and contractors described in section 2209(a)(2)(A), of amounts provided under section 2204.

''(d) PERIOD OF APPLICABILITY.—

''(1) IN GENERAL.—No State, group of States, or contractor described in section 2209(a)(2)(A), may receive payments under

section 2205 for outpatient prescription drug assistance provided for periods beginning before October 1, 2000, or after December 31, 2003.

''(2) MEDICARE REFORM.—If medicare reform legislation that includes coverage for outpatient prescription drugs is enacted during the period that begins on October 1, 2000, and ends on December 31, 2003, this title shall be repealed upon the effective date of such legislation, and no State, group of States, or contractor described in section 2209(a)(2)(A) shall be entitled to receive payments for any outpatient prescription drug assistance provided on or after such date.

''SEC. 2202. BENEFICIARY ELIGIBILITY.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—In order for a State (individually or as part of a group of States) to receive payments under section 2205 with respect to an outpatient prescription drug assistance program, the program must provide, subject to the availability of funds, outpatient prescription drug assistance to each individual who—

''(A) resides in the State;

''(B) applies for such assistance; and

''(C) establishes that the individual is—

''(i) a low-income medicare beneficiary (as defined in subsection (b)); or

''(ii) at the option of the State, a medicare beneficiary with high drug costs (as defined in subsection (c)).

''(2) RESIDENCY RULES.—In applying paragraph (1), residency rules similar to the residency rules applicable to the State plan under title XIX shall apply.

''(b) LOW-INCOME MEDICARE BENEFICIARY DEFINED.—

''(1) IN GENERAL.—In this title, except as provided in section 2209(a)(2)(B), the term 'low-income medicare beneficiary' means an individual who—

''(A) is entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title;

''(B) subject to subsection (d), is not entitled to medical assistance with respect to prescribed drugs under title XIX or under a waiver under section 1115 of the requirements of such title;

''(C) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the State that, subject to paragraph (2), may not exceed 150 percent; and

''(D) at the option of the State, is determined to have resources that do not exceed a level specified by the State.

''(2) STATE-ONLY DRUG ASSISTANCE PROGRAMS.—In the case of a State that has a State-based drug assistance program described in section 2203(e) that provides outpatient prescription drug coverage for individuals described in paragraph (1)(A) who have family income up to or exceeding 150 percent of the poverty line, the State may specify a percentage of the poverty line under paragraph (1)(C) that exceeds the income eligibility level specified by the State for such program but does not exceed 50 percentage points above such income eligibility level.

''(c) MEDICARE BENEFICIARY WITH HIGH DRUG COSTS DEFINED.—

''(1) IN GENERAL.—In this title, except as provided in section 2209(a)(2)(C), the term 'medicare beneficiary with high drug costs' means an individual—

''(A) who satisfies the requirements of subparagraphs (A) and (B) of subsection (b)(1);

''(B) whose family income exceeds the percentage of the poverty line specified by the State in accordance with subsection (b)(1)(C);

''(C) at the option of the State, whose resources exceed a level (if any) specified by the State in accordance with subsection (b)(1)(D); and

''(D) who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed such amount as the State specifies in accordance with paragraph (2).

''(2) DETERMINATION OF OUT-OF-POCKET EXPENSES.—A State that elects to provide outpatient prescription drug assistance to an individual described in paragraph (1) shall provide the Secretary with the methodology and standards used to determine the individual's eligibility under subparagraph (D) of such paragraph.

''(d) ACCESS FOR MEDICAID EXPANSION STATES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, with respect to any State that, as of the date of enactment of this title, has made outpatient prescription drug coverage for individuals described in paragraph (2) available through the State medicaid program under title XIX under a section 1115 waiver, the Secretary, in consultation with such State, shall establish procedures under which the State shall be able to receive payments from the allotment made available under section 2204 for such State for a fiscal year for purposes of offsetting the costs of making such coverage available to such individuals.

''(2) INDIVIDUALS DESCRIBED.—Individuals described in this paragraph are individuals who are—

''(A) entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title; and

''(B) eligible for outpatient prescription drug coverage only, under a State medicaid program under title XIX as a result of a section 1115 waiver.

''(e) INDIVIDUAL NONENTITLEMENT.—Nothing in this title shall be construed as providing an individual with an entitlement to outpatient prescription drug assistance provided under this title.

''SEC. 2203. COVERAGE REQUIREMENTS.

''(a) REQUIRED SCOPE OF COVERAGE.—

''(1) IN GENERAL.—The outpatient prescription drug assistance provided under the plan may consist of any of the following:

''(A) BENCHMARK COVERAGE.—Outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package described in subsection (b).

''(B) AGGREGATE ACTUARIAL VALUE EQUIVALENT TO BENCHMARK PACKAGE.—Outpatient prescription drug coverage that has an aggregate actuarial value that is at least equivalent to one of the benchmark benefit packages.

''(C) EXISTING COMPREHENSIVE STATE-BASED COVERAGE.—Outpatient prescription drug coverage under an existing State-based program, described in subsection (e).

''(D) SECRETARY-APPROVED COVERAGE.—Any other outpatient prescription drug coverage that the Secretary determines, upon application by a State or group of States, provides appropriate outpatient prescription drug coverage for the population of medicare beneficiaries proposed to be provided such coverage.

''(2) CONSISTENT DESIGN.—A State or group of States may only select one of the options described in paragraph (1) (and, if the State or group chooses to provide outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package, only one of the benchmark benefit package options described in subsection (b)) in order to provide outpatient prescription drug assistance in a uniform manner for the population of medicare beneficiaries provided such coverage.

''(b) BENCHMARK BENEFIT PACKAGES.—The benchmark benefit packages are as follows:

''(1) MEDICAID OUTPATIENT PRESCRIPTION DRUG COVERAGE.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under the State medicaid plan under title XIX; or

''(B) a group of States, the outpatient prescription drug coverage provided under the State medicaid plan under such title of one of the States in the group, as identified in the outpatient prescription drug assistance plan.

''(2) FEHBP-EQUIVALENT OUTPATIENT PRESCRIPTION DRUG COVERAGE.—The outpatient prescription drug coverage provided under the Standard Option Blue Cross and Blue Shield Service Benefit Plan described in and offered under section 8903(1) of title 5, United States Code.

''(3) STATE EMPLOYEE OUTPATIENT PRESCRIPTION DRUG COVERAGE.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in the State involved; or

''(B) a group of States, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in one of the States in the group, as identified in the outpatient prescription drug assistance plan.

''(4) OUTPATIENT PRESCRIPTION DRUG COVERAGE OFFERED THROUGH LARGEST HMO.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved; or

''(B) a group of States, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in one of the States involved.

''(c) DETERMINATION OF ACTUARIAL VALUE OF COVERAGE.—

''(1) IN GENERAL.—The actuarial value of outpatient prescription drug coverage offered under benchmark benefit packages and the outpatient prescription drug assistance plan shall be set forth in an opinion in a report that has been prepared—

''(A) by an individual who is a member of the American Academy of Actuaries;

''(B) using generally accepted actuarial principles and methodologies;

''(C) using a standardized set of utilization and price factors;

''(D) using a standardized population that is representative of the population to be covered under the outpatient prescription drug assistance plan;

''(E) applying the same principles and factors in comparing the value of different coverage;

''(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

''(G) taking into account the ability of a State or group of States to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under the outpatient prescription drug assistance plan that results from the limitations on cost-sharing under such coverage.

''(2) REQUIREMENT.—The actuary preparing the opinion shall select and specify in the report the standardized set and population to be used under subparagraphs (C) and (D) of paragraph (1).

''(d) PROHIBITED COVERAGE.—Nothing in this section shall be construed as requiring any outpatient prescription drug coverage offered under the plan to provide coverage for an outpatient prescription drug for which payment is prohibited under this title, notwithstanding that any benchmark benefit package includes coverage for such an outpatient prescription drug.

''(e) DESCRIPTION OF EXISTING COMPREHENSIVE STATE-BASED COVERAGE.—

''(1) IN GENERAL.—A program described in this paragraph is an outpatient prescription drug coverage program for individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title, that—

''(A) is administered or overseen by the State and receives funds from the State;

''(B) was offered as of the date of the enactment of this title;

''(C) does not receive or use any Federal funds; and

''(D) is certified by the Secretary as providing outpatient prescription drug coverage that satisfies the scope of coverage required under subparagraph (A), (B), or (D) of subsection (a)(1).

''(2) MODIFICATIONS.—A State may modify a program described in paragraph (1) from time to time so long as it does not reduce the actuarial value (evaluated as of the time of the modification) of the outpatient prescription drug coverage under the program below the lower of—

''(A) the actuarial value of the coverage under the program as of the date of enactment of this title; or

''(B) the actuarial value described in subsection (a)(1)(B).

''(f) BENEFICIARY PREMIUMS AND COST-SHARING.—

''(1) DESCRIPTION; GENERAL CONDITIONS.—

''(A) DESCRIPTION.—

''(i) IN GENERAL.—An outpatient prescription drug assistance plan shall include a description, consistent with this subsection, of the amount of any premiums or cost-sharing imposed under the plan.

''(ii) PUBLIC SCHEDULE OF CHARGES.—Any premium or cost-sharing described under clause (i) shall be imposed under the plan pursuant to a public schedule.

''(B) PROTECTION FOR BENEFICIARIES.—The outpatient prescription drug assistance plan may only vary premiums and cost-sharing based on the family income of low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs, in a manner that does not favor such beneficiaries with higher income over beneficiaries with low-income.

''(2) LIMITATIONS ON PREMIUMS AND COST-SHARING.—

''(A) NO PREMIUMS OR COST-SHARING FOR BENEFICIARIES WITH INCOME BELOW 100 PERCENT OF POVERTY LINE.—In the case of a low-income medicare beneficiary whose family income does not exceed 100 percent of the poverty line, the outpatient prescription drug assistance plan may not impose any premium or cost-sharing.

''(B) OTHER BENEFICIARIES.—For low-income medicare beneficiaries not described in subparagraph (A) and, if applicable, medicare beneficiaries with high drug costs, any premiums or cost-sharing imposed under the outpatient prescription drug assistance plan may be imposed, subject to paragraph (1)(B), on a sliding scale related to income, except that the total annual aggregate of such premiums and cost-sharing with respect to all such beneficiaries in a family under this title may not exceed 5 percent of such family's income for the year involved.

''(g) RESTRICTION ON APPLICATION OF PRE-EXISTING CONDITION EXCLUSIONS.—The outpatient prescription drug assistance plan shall not permit the imposition of any pre-existing condition exclusion for covered benefits under the plan and may not discriminate in the pricing of premiums under such plan because of health status, claims experience, receipt of health care, or medical condition.

''SEC. 2204. ALLOTMENTS.

''(a) APPROPRIATION.—

''(1) IN GENERAL.—For the purpose of providing allotments under this section to States, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal year 2001, $1,200,000,000;

''(B) for fiscal year 2002, $4,200,000,000;

''(C) for fiscal year 2003, $9,000,000,000; and

''(D) for fiscal year 2004, $3,000,000,000.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall only be available for providing the allotments described in such paragraph during the fiscal year for which such amounts are appropriated. Any amounts that have not been obligated by the Secretary for the purposes of making payments from such allotments under section 2205, or under contracts entered into under section 2209(b)(2)(B), on or before September 30 of fiscal year 2001, 2002, or 2003 (as applicable) or, with respect to fiscal year 2004, December 31, 2003, shall be returned to the Treasury.

''(b) ALLOTMENTS TO 50 STATES AND DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—Subject to paragraph (3), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with an outpatient prescription drug assistance plan approved under this title the same proportion as the ratio of—

''(A) the number of medicare beneficiaries with family income that does not exceed 150 percent of the poverty line residing in the State for the fiscal year; to

''(B) the total number of such beneficiaries residing in all such States.

''(2) DETERMINATION OF NUMBER OF MEDICARE BENEFICIARIES WITH INCOME THAT DOES NOT EXCEED 150 PERCENT OF POVERTY.—For purposes of paragraph (1), a determination of the number of medicare beneficiaries with family income that does not exceed 150 percent of the poverty line residing in a State for the calendar year in which such fiscal year begins shall be made on the basis of the arithmetic average of the number of such medicare beneficiaries, as reported and defined in the 5 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the fiscal year.

''(3) MINIMUM ALLOTMENT.—In no case shall the amount of the allotment under this subsection for one of the 50 States or the District of Columbia for a fiscal year be less than an amount equal to 0.5 percent of the amount provided for allotments under subsection (a) for that fiscal year (reduced by the amount of allotments made under subsection (c) for the fiscal year). To the extent that the application of the previous sentence results in an increase in the allotment to a State or the District of Columbia above the amount otherwise provided, the allotments for the other States and the District of Columbia under this subsection shall be reduced in a pro rata manner (but not below the minimum allotment described in such preceding sentence) so that the total of such allotments in a fiscal year does not exceed the amount otherwise provided for allotment under subsection (a) for that fiscal year (as so reduced).

''(c) ALLOTMENTS TO TERRITORIES.—

''(1) IN GENERAL.—Of the amount available for allotment under subsection (a) for a fiscal year, the Secretary shall allot 0.25 percent among each of the commonwealths and territories described in paragraph (3) in the same proportion as the percentage specified in paragraph (2) for such commonwealth or territory bears to the sum of such percentages for all such commonwealths or territories so described.

''(2) PERCENTAGE.—The percentage specified in this paragraph for—

''(A) Puerto Rico is 91.6 percent;

''(B) Guam is 3.5 percent;

''(C) the United States Virgin Islands is 2.6 percent;

''(D) American Samoa is 1.2 percent; and

''(E) the Northern Mariana Islands is 1.1 percent.

''(3) COMMONWEALTHS AND TERRITORIES.—A commonwealth or territory described in this paragraph is any of the following if it has an outpatient prescription drug assistance plan approved under this title:

''(A) Puerto Rico.

''(B) Guam.

''(C) The United States Virgin Islands.

''(D) American Samoa.

''(E) The Northern Mariana Islands.

''(d) TRANSFER OF CERTAIN ALLOTMENTS AND PORTIONS OF ALLOTMENTS.—

''(1) TRANSFER AND REDISTRIBUTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after the date described in paragraph (2)—

''(i) 90 percent of the allotment determined for a fiscal year under subsection (b) or (c) for a State shall be transferred and made available in such fiscal year to the Secretary, acting through the Administrator of the Health Care Financing Administration, for purposes of carrying out the default program established under section 2209; and

''(ii) 10 percent of such allotment shall be redistributed in accordance with subsection (e).

''(B) APPLICABILITY.—Subparagraph (A) shall not apply if, not later than the date described in paragraph (2) for such fiscal year, a State submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of section 2201(b).

''(2) DATE DESCRIBED.—The date described in this paragraph is—

''(A) in the case of fiscal year 2001, December 31, 2000; and

''(B) in the case of fiscal year 2002, 2003, or 2004, September 1 of the fiscal year preceding such fiscal year.

''(e) REDISTRIBUTION OF PORTION OF ALLOTMENTS.—With respect to a fiscal year, not later than 30 days after the date described in subsection (d)(2) for such fiscal year, the Secretary shall redistribute the total amount made available for redistribution for such fiscal year under subsection (d)(1)(A)(ii) to each State that submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of this title. Such amount shall be redistributed in the same manner as allotments are determined under subsections (b) and (c) and shall be available only to the extent consistent with subsection (a)(2).

''SEC. 2205. PAYMENTS TO STATES.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under section 2206(a)(2) (individually or as part of a group of States) from the State's allotment under section 2204, an amount for each quarter equal to the applicable percentage of expenditures in the quarter—

''(1) for outpatient prescription drug assistance under the plan for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs in the form of providing coverage for outpatient prescription drugs that meets the requirements of section 2203; and

''(2) only to the extent permitted consistent with subsection (c), for reasonable costs incurred to administer the plan.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) for low-income medicare beneficiaries with family incomes that do not exceed 135 percent of the poverty line, 100 percent; and

''(2) for all other low-income medicare beneficiaries and for medicare beneficiaries with high drug costs, the enhanced FMAP (as defined in section 2105(b)).

''(c) LIMITATION ON PAYMENTS FOR CERTAIN EXPENDITURES.—

''(1) GENERAL LIMITATIONS.—Funds provided to a State or group of States under this title shall only be used to carry out the purposes of this title.

''(2) ADMINISTRATIVE EXPENDITURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), payment shall not be made under subsection (a) for expenditures described in subsection (a)(2) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the total expenditures described in subsection (a)(1) made by—

''(i) in the case of a State that is not part of a group of States, the State for such fiscal year; and

''(ii) in the case of a group of States, the group for such fiscal year.

''(B) SPECIAL RULE.—With respect to the first fiscal year that a State or group of States provides outpatient prescription drug assistance under a plan approved under this title, the 10 percent limitation described in subparagraph (A) shall be applied—

''(i) in the case of a State that is not part of a group of States, to the allotment available for such State for such fiscal year; and

''(ii) in the case of a group of States, to the aggregate of the State allotments available for all the States in such group for such fiscal year.

''(3) USE OF NON-FEDERAL FUNDS FOR STATE MATCHING REQUIREMENT.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal share of plan expenditures required under the plan.

''(4) OFFSET OF RECEIPTS ATTRIBUTABLE TO PREMIUMS OR COST-SHARING.—For purposes of subsection (a), the amount of the expenditures under the plan shall be reduced by the amount of any premiums or cost-sharing received by a State.

''(5) PREVENTION OF DUPLICATIVE PAYMENTS.—

''(A) OTHER HEALTH PLANS.—No payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan, a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the beneficiary is eligible for or is provided outpatient prescription drug assistance under the plan.

''(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as otherwise provided by law, no payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) shall apply.

''(d) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make payments under this section for each quarter on the basis of advance estimates of expenditures submitted by a State or group of States and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

''(e) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section shall be construed as preventing a State or group of States from claiming as expenditures in any quarter of a fiscal year expenditures that were incurred in a previous quarter of such fiscal year.

''SEC. 2206. PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

''(a) INITIAL PLAN.—

''(1) SUBMISSION.—A State may receive payments under section 2205 with respect to a fiscal year if the State, individually or as part of a group of States, has submitted to the Secretary, not later than the date described in section 2204(d)(2), an outpatient prescription drug assistance plan that the Secretary has found meets the applicable requirements of this title.

''(2) APPROVAL.—Except as the Secretary may provide under subsection (e), a plan submitted under paragraph (1)—

''(A) shall be approved for purposes of this title; and

''(B) shall be effective beginning with a calendar quarter that is specified in the plan, but in no case earlier than October 1, 2000.

''(b) PLAN AMENDMENTS.—Within 30 days after a State or group of States amends an outpatient prescription drug assistance plan submitted pursuant to subsection (a), the State or group shall notify the Secretary of the amendment.

''(c) DISAPPROVAL OF PLANS AND PLAN AMENDMENTS.—

''(1) PROMPT REVIEW OF PLAN SUBMITTALS.—The Secretary shall promptly review plans and plan amendments submitted under this section to determine if they substantially comply with the requirements of this title.

''(2) 45-DAY APPROVAL DEADLINES.—A plan or plan amendment is considered approved unless the Secretary notifies the State or group of States in writing, within 45 days after receipt of the plan or amendment, that the plan or amendment is disapproved (and the reasons for the disapproval) or that specified additional information is needed.

''(3) CORRECTION.—In the case of a disapproval of a plan or plan amendment, the Secretary shall provide a State or group of States with a reasonable opportunity for correction before taking financial sanctions against the State or group on the basis of such disapproval.

''(d) PROGRAM OPERATION.—

''(1) IN GENERAL.—A State or group of States shall conduct the program in accordance with the plan (and any amendments) approved under this section and with the requirements of this title.

''(2) VIOLATIONS.—The Secretary shall establish a process for enforcing requirements under this title. Such process shall provide for the withholding of funds in the case of substantial noncompliance with such requirements. In the case of an enforcement action against a State or group of States under this paragraph, the Secretary shall provide a State or group of States with a reasonable opportunity for correction and for administrative and judicial appeal of the Secretary's action before taking financial sanctions against the State or group of States on the basis of such an action.

''(e) CONTINUED APPROVAL.—Subject to section 2201(d), an approved outpatient prescription drug assistance plan shall continue in effect unless and until the State or group of States amends the plan under subsection (b) or the Secretary finds, under subsection (d), substantial noncompliance of the plan with the requirements of this title.

''SEC. 2207. PLAN ADMINISTRATION; APPLICATION OF CERTAIN GENERAL PROVISIONS.

''(a) PLAN ADMINISTRATION.—An outpatient prescription drug assistance plan shall include an assurance that the State or group of States administering the plan will collect the data, maintain the records, afford the Secretary access to any records or information relating to the plan for the purposes of review or audit, and furnish reports to the Secretary, at the times and in the standardized format the Secretary may require in order to enable the Secretary to monitor program administration and compliance and to evaluate and compare the effectiveness of plans under this title.

''(b) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of this Act shall apply to the program established under this title in the same manner as they apply to a State under title XIX:

''(1) TITLE XIX PROVISIONS.—

''(A) Section 1902(a)(4)(C) (relating to conflict of interest standards).

''(B) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

''(C) Section 1903(w) (relating to limitations on provider taxes and donations).

''(2) TITLE XI PROVISIONS.—

''(A) Section 1115 (relating to waiver authority).

''(B) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

''(C) Section 1124 (relating to disclosure of ownership and related information).

''(D) Section 1126 (relating to disclosure of information about certain convicted individuals).

''(E) Section 1128A (relating to civil monetary penalties).

''(F) Section 1128B(d) (relating to criminal penalties for certain additional charges).

''SEC. 2208. REPORTS.

''(a) IN GENERAL.—Each State or group of States administering a plan under this title shall annually—

''(1) assess the operation of the outpatient prescription drug assistance plan under this title in each fiscal year; and

''(2) report to the Secretary on the result of the assessment.

''(b) REQUIRED INFORMATION.—The annual report required under subsection (a) shall include the following:

''(1) An assessment of the effectiveness of the plan in providing outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(2) A description and analysis of the effectiveness of elements of the plan, including—

''(A) the characteristics of the low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs assisted under the plan, including family income and access to, or coverage by, other health insurance prior to the plan and after eligibility for the plan ends;

''(B) the amount and level of assistance provided under the plan; and

''(C) the sources of the non-Federal share of plan expenditures.

''(c) ANNUAL REPORT OF THE SECRETARY.—The Secretary shall submit to Congress and make available to the public an annual report based on the reports required under subsection (a) and section 2209(b)(5), containing any conclusions and recommendations the Secretary considers appropriate.

''SEC. 2209. ESTABLISHMENT OF DEFAULT PROGRAM.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—With respect to a fiscal year, in the case of a State that fails to submit (individually or as part of a group of States) an approved outpatient prescription drug assistance plan to the Secretary by the date described in section 2204(d)(2) for such fiscal year, outpatient prescription drug assistance to low-income medicare beneficiaries and, subject to the availability of funds, medicare beneficiaries with high drug costs, who reside in such State shall be provided during such fiscal year by the Secretary, through the Administrator of the Health Care Financing Administration, in accordance with this section.

''(2) DEFINITIONS.—In this section:

''(A) CONTRACTOR.—The term 'contractor' means a pharmaceutical benefit manager or other entity that meets standards established by the Administrator of the Health Care Financing Administration for the provision of outpatient prescription drug assistance under a contract entered into under this section.

''(B) LOW-INCOME MEDICARE BENEFICIARY.—The term 'low-income medicare beneficiary' means an individual who—

''(i) satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

''(ii) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the Administrator of the Health Care Financing Administration that may not exceed 135 percent; and

''(iii) at the option of the Administrator of the Health Care Financing Administration, is determined to have resources that do not exceed a level specified by such Administrator.

''(C) MEDICARE BENEFICIARY WITH HIGH DRUG COSTS.—The term 'medicare beneficiary with high drug costs' means an individual—

''(i) who satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

''(ii) whose family income exceeds the percentage of the poverty line specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(ii) for a low-income medicare beneficiary residing in the same State;

''(iii) whose resources exceed a level (if any) specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(iii) for a low-income medicare beneficiary residing in the same State; and

''(iv) with respect to any 3-month period, who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed a level specified by such Administrator (consistent with the availability of funds for the operation of the program established under this section in the State where the beneficiary resides).

''(b) ADMINISTRATION.—In administering the default program established under this section, the Administrator of the Health Care Financing Administration shall—

''(1) establish procedures to determine the eligibility of the low-income medicare beneficiaries and medicare beneficiaries with high drug costs described in subsection (a) for outpatient prescription drug assistance;

''(2) establish a process for accepting bids to provide outpatient prescription drug assistance to such beneficiaries, awarding contracts under such bids, and making payments under such contracts;

''(3) establish policies and procedures for overseeing the provision of outpatient prescription drug assistance under such contracts;

''(4) develop and implement quality and service assessment measures that include beneficiary quality surveys and annual quality and service rankings for contractors awarded a contract under this section;

''(5) annually assess the program established under this section and submit a report to the Secretary containing the information required under section 2208(b); and

''(6) carry out such other responsibilities as are necessary for the administration of the provision of outpatient prescription drug assistance under this section.

''(c) CONTRACT REQUIREMENTS.—

''(1) AUTHORITY; TERM.—

''(A) USE OF COMPETITIVE PROCEDURES.—

''(i) FISCAL YEAR 2001.—With respect to fiscal year 2001, the Administrator of the Health Care Financing Administration may enter into contracts under this section without using competitive procedures, as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)), or any other provision of law requiring competitive bidding.

''(ii) FISCAL YEARS 2002, 2003, AND 2004.—With respect to fiscal years 2002, 2003, and 2004, the Administrator of the Health Care Financing Administration shall award contracts under this section using competitive procedures (as so defined).

''(B) TERM.—Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

''(2) BENEFIT.—The contract shall require the contractor to provide a low-income medicare beneficiary and, if applicable, a medicare beneficiary with high drug costs, outpatient prescription drug assistance that is equivalent to the FEHBP-equivalent benchmark benefit package described in section 2203(b)(2) in a manner that is consistent with the provisions of this title as such provisions apply to a State that provides such assistance.

''(3) QUALITY AND SERVICE ASSESSMENT.—The contract shall require the contractor to cooperate with the quality and service assessment measures implemented in accordance with subsection (b)(4).

''(4) PAYMENTS.—The contract shall specify the amount and manner by which payments (including any administrative fees) shall be made to the contractor for the provision of outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(d) FUNDING.—

''(1) AGGREGATE OF TRANSFERRED AMOUNTS.—The Secretary, through the Administrator of the Health Care Financing Administration, shall use the aggregate of the amounts transferred and made available under section 2204(d)(1)(A)(i) for purposes of carrying out the default program established under this section. Such aggregate may be used to provide outpatient prescription drug assistance to any low-income medicare beneficiary, and, subject to the availability of funds, medicare beneficiary with high drug costs, who resides in a State described in subsection (a)(1).

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—Administrative expenditures incurred by the Secretary or the Administrator of the Health Care Financing Administration for a fiscal year to carry out this section (other than administrative fees paid to a contractor under a contract meeting the requirements of subsection (c))—

''(A) shall be paid out of the aggregate amounts described in paragraph (1); and

''(B) may not exceed an amount equal to 1 percent of all premiums imposed for such fiscal year to provide outpatient prescription drug assistance to low-income medicare beneficiaries and medicare beneficiaries with high drug costs under this section.

''(e) TERMINATION.—Except as provided in section 2201(d)(2), the program established under this section shall terminate on December 31, 2003.

''SEC. 2210. DEFINITIONS.

''In this title:

''(1) COST-SHARING.—The term 'cost-sharing' means a deductible, coinsurance, copayment, or similar charge, and includes an enrollment fee.

''(2) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE.—

''(A) IN GENERAL.—The term 'outpatient prescription drug assistance' means, subject to subparagraph (B), payment for part or all of the cost of coverage of self-administered outpatient prescription drugs and biologicals (including insulin and insulin supplies) for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(B) EXCLUSIONS.—Such term does not include payment or coverage with respect to—

''(i) items covered under title XVIII; or

''(ii) items for which coverage is not available under a State plan under title XIX.

''(3) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN; PLAN.—Unless the context otherwise requires, the terms 'outpatient prescription drug assistance plan' and 'plan' mean an outpatient prescription drug assistance plan approved under section 2206.

''(4) GROUP HEALTH PLAN; GROUP HEALTH INSURANCE COVERAGE; ETC.—The terms 'group health plan', 'group health insurance coverage', and 'health insurance coverage' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

''(5) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

''(6) PREEXISTING CONDITION EXCLUSION.—The term 'preexisting condition exclusion' has the meaning given such term in section 2701(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300gg(b)(1)(A)).

''(7) STATE.—The term 'State' has the meaning given such term for purposes of title XIX.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended in the first and fourth sentences, by striking ''and XXI'' each place it appears and inserting ''XXI, and XXII''.

(2) TREATMENT AS STATE HEALTH CARE PROGRAM.—Section 1128(h) of such Act (42 U.S.C. 1320a–7(h)) is amended—

(A) in paragraph (3), by striking ''or'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting '', or''; and

(C) by adding at the end the following new paragraph:

''(5) an outpatient prescription drug assistance plan approved under title XXII.''.

SEC. 3. ELECTION BY LOW-INCOME MEDICARE BENEFICIARIES AND MEDICARE BENEFICIARIES WITH HIGH DRUG COSTS TO SUSPEND MEDIGAP INSURANCE.

Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by striking ''this paragraph or paragraph (6)'' and inserting ''this paragraph, or paragraph (6) or (7)''; and

(2) by adding at the end the following new paragraph:

''(7) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226 and is covered under an outpatient prescription drug assistance plan (as defined in section 2210(3)) or provided outpatient prescription drug assistance under the program established under section 2209. If such suspension occurs and if the policyholder or certificate holder loses coverage under such plan or program, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.''.

Mr. JEFFORDS. Mr. President, today I am announcing my support for the Medicare Temporary Drug Assistance Act, introduced by Senator ROTH. The Act will immediately provide funding for prescription drugs for Medicare beneficiaries who are having difficulty paying for the medicines that they need to live longer, happier lives.

Mr. President, we all know that as the baby boomers become eligible for Medicare the program needs to be reformed due to the increased population. As a part of Medicare reform, we must have a broad prescription drug benefit that ensures that all Medicare beneficiaries have access to affordable medications. It doesn't make any sense for Medicare to pay for the cost of hospital stays, but not cover the drugs that can keep patients out of the hospital. The best medicines in the world will not help a patient who can't afford to take them. That is why I will continue to do all that I can, as the Chairman of the Committee on Health, Education, Labor and Pensions and member of the Finance Committee, to assure that Medicare beneficiaries have access to affordable prescription drugs this year.

Today Chairman ROTH has introduced two bills—one version that stays within the Budget Resolution, and one that exceeds our budget restraints—and I am proud to be an original cosponsor of this legislation, because I am convinced that it will immediately help millions of Americans who need but can't afford their medications. My own state of Vermont, which has already acted responsibly by extending prescription drug coverage to many low-income seniors through the Vermont Health Access Plan and the Vscript pharmacy program, will be rewarded with millions of federal dollars to extend its coverage to even larger numbers of Medicare beneficiaries. Under this bill, federal dollars will begin paying for prescription drugs for Vermonters on October 1 of this year—that's only about three weeks from now.

Mr. President, I commend Chairman ROTH for his outstanding leadership on this issue. Chairman ROTH has worked tirelessly with me and the other members of the Finance Committee, clearly demonstrating that he supports Medicare reform, including coverage of prescription drugs, and that he believes that this can only be achieved through a bipartisan process. I have strongly supported his efforts to build a bipartisan consensus on this issue through the Committee process.

Several weeks ago, Chairman ROTH acknowledged the difficulty in finding a bipartisan consensus during this election year, and announced that if the Finance Committee is unable to report out a bipartisan Medicare reform bill, he would propose a plan to cover prescription drugs for the most needy Medicare beneficiaries, through grants to the states, as a stop-gap measure until Congress is able to pass larger-scale Medicare reform. He also acknowledged that even if we were able to enact a prescription drug benefit this year, it would be almost impossible to implement such a plan for at least two years. The bill he has introduced today addresses both of these problems.

Mr. President, let me be clear. This proposal is a stop-gap measure that will be put into place only until we are able to achieve broad Medicare reform, including prescription drug coverage that benefits all Medicare beneficiaries. This is not a substitute for Medicare reform, and it does not mean that we have given up on enacting Medicare reform this year. We must also attack the problem of affordability by passing my bill, the Medicine Equity and Drug Safety Act (S. 2520), which already passed the Senate by a vote of 74–21 as a part of the Agriculture Appropriations bill. These efforts will be undertaken simultaneously. I consider this bill to be emergency aid for prescription drugs that will be the bridge to a comprehensive plan. It is a very important down payment that will benefit Vermonters and all Americans immediately. That is why I am an original cosponsor of Chairman ROTH's proposal, I urge my colleagues support.

Thank you, Mr. President. I yield the floor.

By Mr. ROTH (for himself, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. STEVENS, and Mr. FRIST):

S. 3017. A bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income Medicare beneficiaries and Medicare beneficiaries with high drug costs; to the Committee on Finance.

MEDICARE TEMPORARY DRUG ASSISTANCE ACT

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Temporary Drug Assistance Act''.

SEC. 2. OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

''TITLE XXII—OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PROGRAM

''SEC. 2201. PURPOSE; OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

''(a) PURPOSE.—The purpose of this title is to provide funds to States to enable States, individually or in a group, to establish a program, separate from the medicaid program under title XIX, to provide assistance to low-income medicare beneficiaries (as defined in section 2202(b)) and, at State option, medicare beneficiaries with high drug costs (as defined in section 2202(c)) to obtain coverage for outpatient prescription drugs.

''(b) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN REQUIRED.—A State may not receive payments under section 2205 unless the State, individually or as part of a group of States, submits in writing to the Secretary an outpatient prescription drug assistance plan under section 2206(a)(1) that—

''(1) describes how the State or group of States intends to use the funds provided under this title to provide outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs consistent with the provisions of this title;

''(2) includes a description of the budget for the plan (updated periodically as necessary) and details on the planned use of funds, the sources of the non-Federal share of plan expenditures, and any requirements for cost-sharing by beneficiaries;

''(3) describes the procedures to be used to ensure that the outpatient prescription drug assistance provided to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs under the plan does not supplant coverage for outpatient prescription drugs available to such beneficiaries under group health plans; and

''(4) has been approved by the Secretary under section 2206(a)(2).

''(c) ENTITLEMENT.—Subject to subsection (d)(2), this title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States, groups of States, and contractors described in section 2209(a)(2)(A), of amounts provided under section 2204.

''(d) PERIOD OF APPLICABILITY.—

''(1) IN GENERAL.—No State, group of States, or contractor described in section 2209(a)(2)(A), may receive payments under section 2205 for outpatient prescription drug assistance provided for periods beginning before October 1, 2000, or after September 30, 2004.

''(2) MEDICARE REFORM.—If medicare reform legislation that includes coverage for outpatient prescription drugs is enacted during the period that begins on October 1, 2000, and ends on September 30, 2004, this title shall be repealed upon the effective date of such legislation, and no State, group of States, or contractor described in section 2209(a)(2)(A) shall be entitled to receive payments for any outpatient prescription drug assistance provided on or after such date.

''SEC. 2202. BENEFICIARY ELIGIBILITY.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—In order for a State (individually or as part of a group of States) to receive payments under section 2205 with respect to an outpatient prescription drug assistance program, the program must provide, subject to the availability of funds, outpatient prescription drug assistance to each individual who—

''(A) resides in the State;

''(B) applies for such assistance; and

''(C) establishes that the individual is—

''(i) a low-income medicare beneficiary (as defined in subsection (b)); or

''(ii) at the option of the State, a medicare beneficiary with high drug costs (as defined in subsection (c)).

''(2) RESIDENCY RULES.—In applying paragraph (1), residency rules similar to the residency rules applicable to the State plan under title XIX shall apply.

''(b) LOW-INCOME MEDICARE BENEFICIARY DEFINED.—

''(1) IN GENERAL.—In this title, except as provided in section 2209(a)(2)(B), the term 'low-income medicare beneficiary' means an individual who—

''(A) is entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title;

''(B) subject to subsection (d), is not entitled to medical assistance with respect to prescribed drugs under title XIX or under a waiver under section 1115 of the requirements of such title;

''(C) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the State that, subject to paragraph (2), may not exceed 175 percent; and

''(D) at the option of the State, is determined to have resources that do not exceed a level specified by the State.

''(2) STATE-ONLY DRUG ASSISTANCE PROGRAMS.—In the case of a State that has a State-based drug assistance program described in section 2203(e) that provides outpatient prescription drug coverage for individuals described in paragraph (1)(A) who have family income up to or exceeding 175 percent of the poverty line, the State may specify a percentage of the poverty line under paragraph (1)(C) that exceeds the income eligibility level specified by the State for such program but does not exceed 50 percentage points above such income eligibility level.

''(c) MEDICARE BENEFICIARY WITH HIGH DRUG COSTS DEFINED.—

''(1) IN GENERAL.—In this title, except as provided in section 2209(a)(2)(C), the term 'medicare beneficiary with high drug costs' means an individual—

''(A) who satisfies the requirements of subparagraphs (A) and (B) of subsection (b)(1);

''(B) whose family income exceeds the percentage of the poverty line specified by the State in accordance with subsection (b)(1)(C);

''(C) at the option of the State, whose resources exceed a level (if any) specified by the State in accordance with subsection (b)(1)(D); and

''(D) who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed such amount as the State specifies in accordance with paragraph (2).

''(2) DETERMINATION OF OUT-OF-POCKET EXPENSES.—A State that elects to provide outpatient prescription drug assistance to an individual described in paragraph (1) shall provide the Secretary with the methodology and standards used to determine the individual's eligibility under subparagraph (D) of such paragraph.

''(d) ACCESS FOR MEDICAID EXPANSION STATES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, with respect to any State that, as of the date of enactment of this title, has made outpatient prescription drug coverage for individuals described in paragraph (2) available through the State medicaid program under title XIX under a section 1115 waiver, the Secretary, in consultation with such State, shall establish procedures under which the State shall be able to receive payments from the allotment made available under section 2204 for such State for a fiscal year for purposes of offsetting the costs of making such coverage available to such individuals.

''(2) INDIVIDUALS DESCRIBED.—Individuals described in this paragraph are individuals who are—

''(A) entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title; and

''(B) eligible for outpatient prescription drug coverage only, under a State medicaid program under title XIX as a result of a section 1115 waiver.

''(e) INDIVIDUAL NONENTITLEMENT.—Nothing in this title shall be construed as providing an individual with an entitlement to outpatient prescription drug assistance provided under this title.

''SEC. 2203. COVERAGE REQUIREMENTS.

''(a) REQUIRED SCOPE OF COVERAGE.—

''(1) IN GENERAL.—The outpatient prescription drug assistance provided under the plan may consist of any of the following:

''(A) BENCHMARK COVERAGE.—Outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package described in subsection (b).

''(B) AGGREGATE ACTUARIAL VALUE EQUIVALENT TO BENCHMARK PACKAGE.—Outpatient prescription drug coverage that has an aggregate actuarial value that is at least equivalent to one of the benchmark benefit packages.

''(C) EXISTING COMPREHENSIVE STATE-BASED COVERAGE.—Outpatient prescription drug coverage under an existing State-based program, described in subsection (e).

''(D) SECRETARY-APPROVED COVERAGE.—Any other outpatient prescription drug coverage that the Secretary determines, upon application by a State or group of States, provides appropriate outpatient prescription drug coverage for the population of medicare beneficiaries proposed to be provided such coverage.

''(2) CONSISTENT DESIGN.—A State or group of States may only select one of the options described in paragraph (1) (and, if the State or group chooses to provide outpatient prescription drug coverage that is equivalent to the outpatient prescription drug coverage in a benchmark benefit package, only one of the benchmark benefit package options described in subsection (b)) in order to provide outpatient prescription drug assistance in a uniform manner for the population of medicare beneficiaries provided such coverage.

''(b) BENCHMARK BENEFIT PACKAGES.—The benchmark benefit packages are as follows:

''(1) MEDICAID OUTPATIENT PRESCRIPTION DRUG COVERAGE.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under the State medicaid plan under title XIX; or

''(B) a group of States, the outpatient prescription drug coverage provided under the State medicaid plan under such title of one of the States in the group, as identified in the outpatient prescription drug assistance plan.

''(2) FEHBP-EQUIVALENT OUTPATIENT PRESCRIPTION DRUG COVERAGE.—The outpatient prescription drug coverage provided under the Standard Option Blue Cross and Blue Shield Service Benefit Plan described in and offered under section 8903(1) of title 5, United States Code.

''(3) STATE EMPLOYEE OUTPATIENT PRESCRIPTION DRUG COVERAGE.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees in the State involved; or

''(B) a group of States, the outpatient prescription drug coverage provided under a health benefits coverage plan that is offered and generally available to State employees

in one of the States in the group, as identified in the outpatient prescription drug assistance plan.

''(4) OUTPATIENT PRESCRIPTION DRUG COVERAGE OFFERED THROUGH LARGEST HMO.—In the case of—

''(A) a State, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved; or

''(B) a group of States, the outpatient prescription drug coverage provided under a health insurance coverage plan that is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act) and has the largest insured commercial, nonmedicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in one of the States involved.

''(c) DETERMINATION OF ACTUARIAL VALUE OF COVERAGE.—

''(1) IN GENERAL.—The actuarial value of outpatient prescription drug coverage offered under benchmark benefit packages and the outpatient prescription drug assistance plan shall be set forth in an opinion in a report that has been prepared—

''(A) by an individual who is a member of the American Academy of Actuaries;

''(B) using generally accepted actuarial principles and methodologies;

''(C) using a standardized set of utilization and price factors;

''(D) using a standardized population that is representative of the population to be covered under the outpatient prescription drug assistance plan;

''(E) applying the same principles and factors in comparing the value of different coverage;

''(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

''(G) taking into account the ability of a State or group of States to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under the outpatient prescription drug assistance plan that results from the limitations on cost-sharing under such coverage.

''(2) REQUIREMENT.—The actuary preparing the opinion shall select and specify in the report the standardized set and population to be used under subparagraphs (C) and (D) of paragraph (1).

''(d) PROHIBITED COVERAGE.—Nothing in this section shall be construed as requiring any outpatient prescription drug coverage offered under the plan to provide coverage for an outpatient prescription drug for which payment is prohibited under this title, notwithstanding that any benchmark benefit package includes coverage for such an outpatient prescription drug.

''(e) DESCRIPTION OF EXISTING COMPREHENSIVE STATE-BASED COVERAGE.—

''(1) IN GENERAL.—A program described in this paragraph is an outpatient prescription drug coverage program for individuals who are entitled to benefits under part A of title XVIII or enrolled under part B of such title, including an individual enrolled in a Medicare+Choice plan under part C of such title, that—

''(A) is administered or overseen by the State and receives funds from the State;

''(B) was offered as of the date of the enactment of this title;

''(C) does not receive or use any Federal funds; and

''(D) is certified by the Secretary as providing outpatient prescription drug coverage that satisfies the scope of coverage required under subparagraph (A), (B), or (D) of subsection (a)(1).

''(2) MODIFICATIONS.—A State may modify a program described in paragraph (1) from time to time so long as it does not reduce the actuarial value (evaluated as of the time of the modification) of the outpatient prescription drug coverage under the program below the lower of—

''(A) the actuarial value of the coverage under the program as of the date of enactment of this title; or

''(B) the actuarial value described in subsection (a)(1)(B).

''(f) BENEFICIARY PREMIUMS AND COST-SHARING.—

''(1) DESCRIPTION; GENERAL CONDITIONS.—

''(A) DESCRIPTION.—

''(i) IN GENERAL.—An outpatient prescription drug assistance plan shall include a description, consistent with this subsection, of the amount of any premiums or cost-sharing imposed under the plan.

''(ii) PUBLIC SCHEDULE OF CHARGES.—Any premium or cost-sharing described under clause (i) shall be imposed under the plan pursuant to a public schedule.

''(B) PROTECTION FOR BENEFICIARIES.—The outpatient prescription drug assistance plan may only vary premiums and cost-sharing based on the family income of low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs, in a manner that does not favor such beneficiaries with higher income over beneficiaries with low-income.

''(2) LIMITATIONS ON PREMIUMS AND COST-SHARING.—

''(A) NO PREMIUMS OR COST-SHARING FOR BENEFICIARIES WITH INCOME BELOW 100 PERCENT OF POVERTY LINE.—In the case of a low-income medicare beneficiary whose family income does not exceed 100 percent of the poverty line, the outpatient prescription drug assistance plan may not impose any premium or cost-sharing.

''(B) OTHER BENEFICIARIES.—For low-income medicare beneficiaries not described in subparagraph (A) and, if applicable, medicare beneficiaries with high drug costs, any premiums or cost-sharing imposed under the outpatient prescription drug assistance plan may be imposed, subject to paragraph (1)(B), on a sliding scale related to income, except that the total annual aggregate of such premiums and cost-sharing with respect to all such beneficiaries in a family under this title may not exceed 5 percent of such family's income for the year involved.

''(g) RESTRICTION ON APPLICATION OF PRE-EXISTING CONDITION EXCLUSIONS.—The outpatient prescription drug assistance plan shall not permit the imposition of any pre-existing condition exclusion for covered benefits under the plan and may not discriminate in the pricing of premiums under such plan because of health status, claims experience, receipt of health care, or medical condition.

''SEC. 2204. ALLOTMENTS.

''(a) APPROPRIATION.—

''(1) IN GENERAL.—For the purpose of providing allotments under this section to States, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal year 2001, $1,300,000,000;

''(B) for fiscal year 2002, $4,600,000,000;

''(C) for fiscal year 2003, $9,700,000,000; and

''(D) for fiscal year 2004, $13,000,000,000.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall only be available for providing the allotments described in such paragraph during the fiscal year for which such amounts are appropriated. Any amounts that have not been obligated by the Secretary for the purposes of making payments from such allotments under section 2205, or under contracts entered into under section 2209(b)(2)(B), on or before September 30 of fiscal year 2001, 2002, 2003, or 2004 (as applicable), shall be returned to the Treasury.

''(b) ALLOTMENTS TO 50 STATES AND DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—Subject to paragraph (3), of the amount available for allotment under subsection (a) for a fiscal year, reduced by the amount of allotments made under subsection (c) for the fiscal year, the Secretary shall allot to each State (other than a State described in such subsection) with an outpatient prescription drug assistance plan approved under this title the same proportion as the ratio of—

''(A) the number of medicare beneficiaries with family income that does not exceed 175 percent of the poverty line residing in the State for the fiscal year; to

''(B) the total number of such beneficiaries residing in all such States.

''(2) DETERMINATION OF NUMBER OF MEDICARE BENEFICIARIES WITH INCOME THAT DOES NOT EXCEED 175 PERCENT OF POVERTY.—For purposes of paragraph (1), a determination of the number of medicare beneficiaries with family income that does not exceed 175 percent of the poverty line residing in a State for the calendar year in which such fiscal year begins shall be made on the basis of the arithmetic average of the number of such medicare beneficiaries, as reported and defined in the 5 most recent March supplements to the Current Population Survey of the Bureau of the Census before the beginning of the fiscal year.

''(3) MINIMUM ALLOTMENT.—In no case shall the amount of the allotment under this subsection for one of the 50 States or the District of Columbia for a fiscal year be less than an amount equal to 0.5 percent of the amount provided for allotments under subsection (a) for that fiscal year (reduced by the amount of allotments made under subsection (c) for the fiscal year). To the extent that the application of the previous sentence results in an increase in the allotment to a State or the District of Columbia above the amount otherwise provided, the allotments for the other States and the District of Columbia under this subsection shall be reduced in a pro rata manner (but not below the minimum allotment described in such preceding sentence) so that the total of such allotments in a fiscal year does not exceed the amount otherwise provided for allotment under subsection (a) for that fiscal year (as so reduced).

''(c) ALLOTMENTS TO TERRITORIES.—

''(1) IN GENERAL.—Of the amount available for allotment under subsection (a) for a fiscal year, the Secretary shall allot 0.25 percent among each of the commonwealths and territories described in paragraph (3) in the same proportion as the percentage specified in paragraph (2) for such commonwealth or territory bears to the sum of such percentages for all such commonwealths or territories so described.

''(2) PERCENTAGE.—The percentage specified in this paragraph for—

''(A) Puerto Rico is 91.6 percent;

''(B) Guam is 3.5 percent;

''(C) the United States Virgin Islands is 2.6 percent;

''(D) American Samoa is 1.2 percent; and

''(E) the Northern Mariana Islands is 1.1 percent.

''(3) COMMONWEALTHS AND TERRITORIES.—A commonwealth or territory described in this paragraph is any of the following if it has an outpatient prescription drug assistance plan approved under this title:

''(A) Puerto Rico.

''(B) Guam.

''(C) The United States Virgin Islands.

''(D) American Samoa.

''(E) The Northern Mariana Islands.

''(d) TRANSFER OF CERTAIN ALLOTMENTS AND PORTIONS OF ALLOTMENTS.—

''(1) TRANSFER AND REDISTRIBUTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after the date described in paragraph (2)—

''(i) 90 percent of the allotment determined for a fiscal year under subsection (b) or (c) for a State shall be transferred and made available in such fiscal year to the Secretary, acting through the Administrator of the Health Care Financing Administration, for purposes of carrying out the default program established under section 2209; and

''(ii) 10 percent of such allotment shall be redistributed in accordance with subsection (e).

''(B) APPLICABILITY.—Subparagraph (A) shall not apply if, not later than the date described in paragraph (2) for such fiscal year, a State submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of section 2201(b).

''(2) DATE DESCRIBED.—The date described in this paragraph is—

''(A) in the case of fiscal year 2001, December 31, 2000; and

''(B) in the case of fiscal year 2002, 2003, or 2004, September 1 of the fiscal year preceding such fiscal year.

''(e) REDISTRIBUTION OF PORTION OF ALLOTMENTS.—With respect to a fiscal year, not later than 30 days after the date described in subsection (d)(2) for such fiscal year, the Secretary shall redistribute the total amount made available for redistribution for such fiscal year under subsection (d)(1)(A)(ii) to each State that submits a plan or is part of a group of States that submits a plan to the Secretary that the Secretary finds meets the requirements of this title. Such amount shall be redistributed in the same manner as allotments are determined under subsections (b) and (c) and shall be available only to the extent consistent with subsection (a)(2).

''SEC. 2205. PAYMENTS TO STATES.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under section 2206(a)(2) (individually or as part of a group of States) from the State's allotment under section 2204, an amount for each quarter equal to the applicable percentage of expenditures in the quarter—

''(1) for outpatient prescription drug assistance under the plan for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs in the form of providing coverage for outpatient prescription drugs that meets the requirements of section 2203; and

''(2) only to the extent permitted consistent with subsection (c), for reasonable costs incurred to administer the plan.

''(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

''(1) for low-income medicare beneficiaries with family incomes that do not exceed 135 percent of the poverty line, 100 percent; and

''(2) for all other low-income medicare beneficiaries and for medicare beneficiaries with high drug costs, the enhanced FMAP (as defined in section 2105(b)).

''(c) LIMITATION ON PAYMENTS FOR CERTAIN EXPENDITURES.—

''(1) GENERAL LIMITATIONS.—Funds provided to a State or group of States under this title shall only be used to carry out the purposes of this title.

''(2) ADMINISTRATIVE EXPENDITURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), payment shall not be made under subsection (a) for expenditures described in subsection (a)(2) for a fiscal year to the extent the total of such expenditures (for which payment is made under such subsection) exceeds 10 percent of the total expenditures described in subsection (a)(1) made by—

''(i) in the case of a State that is not part of a group of States, the State for such fiscal year; and

''(ii) in the case of a group of States, the group for such fiscal year.

''(B) SPECIAL RULE.—With respect to the first fiscal year that a State or group of States provides outpatient prescription drug assistance under a plan approved under this title, the 10 percent limitation described in subparagraph (A) shall be applied—

''(i) in the case of a State that is not part of a group of States, to the allotment available for such State for such fiscal year; and

''(ii) in the case of a group of States, to the aggregate of the State allotments available for all the States in such group for such fiscal year.

''(3) USE OF NON-FEDERAL FUNDS FOR STATE MATCHING REQUIREMENT.—Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal share of plan expenditures required under the plan.

''(4) OFFSET OF RECEIPTS ATTRIBUTABLE TO PREMIUMS OR COST-SHARING.—For purposes of subsection (a), the amount of the expenditures under the plan shall be reduced by the amount of any premiums or cost-sharing received by a State.

''(5) PREVENTION OF DUPLICATIVE PAYMENTS.—

''(A) OTHER HEALTH PLANS.—No payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that a private insurer (as defined by the Secretary by regulation and including a group health plan, a service benefit plan, and a health maintenance organization) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the beneficiary is eligible for or is provided outpatient prescription drug assistance under the plan.

''(B) OTHER FEDERAL GOVERNMENTAL PROGRAMS.—Except as otherwise provided by law, no payment shall be made under this section for expenditures for outpatient prescription drug assistance provided under an outpatient prescription drug assistance plan to the extent that payment has been made or can reasonably be expected to be made promptly (as determined in accordance with regulations) under any other federally operated or financed health care insurance program identified by the Secretary. For purposes of this paragraph, rules similar to the rules for overpayments under section 1903(d)(2) shall apply.

''(d) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make payments under this section for each quarter on the basis of advance estimates of expenditures submitted by a State or group of States and such other investigation as the Secretary may find necessary, and may reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

''(e) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this section shall be construed as preventing a State or group of States from claiming as expenditures in any quarter of a fiscal year expenditures that were incurred in a previous quarter of such fiscal year.

''SEC. 2206. PROCESS FOR SUBMISSION, APPROVAL, AND AMENDMENT OF OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLANS.

''(a) INITIAL PLAN.—

''(1) SUBMISSION.—A State may receive payments under section 2205 with respect to a fiscal year if the State, individually or as part of a group of States, has submitted to the Secretary, not later than the date described in section 2204(d)(2), an outpatient prescription drug assistance plan that the Secretary has found meets the applicable requirements of this title.

''(2) APPROVAL.—Except as the Secretary may provide under subsection (e), a plan submitted under paragraph (1)—

''(A) shall be approved for purposes of this title; and

''(B) shall be effective beginning with a calendar quarter that is specified in the plan, but in no case earlier than October 1, 2000.

''(b) PLAN AMENDMENTS.—Within 30 days after a State or group of States amends an outpatient prescription drug assistance plan submitted pursuant to subsection (a), the State or group shall notify the Secretary of the amendment.

''(c) DISAPPROVAL OF PLANS AND PLAN AMENDMENTS.—

''(1) PROMPT REVIEW OF PLAN SUBMITTALS.—The Secretary shall promptly review plans and plan amendments submitted under this section to determine if they substantially comply with the requirements of this title.

''(2) 45-DAY APPROVAL DEADLINES.—A plan or plan amendment is considered approved unless the Secretary notifies the State or group of States in writing, within 45 days after receipt of the plan or amendment, that the plan or amendment is disapproved (and the reasons for the disapproval) or that specified additional information is needed.

''(3) CORRECTION.—In the case of a disapproval of a plan or plan amendment, the Secretary shall provide a State or group of States with a reasonable opportunity for correction before taking financial sanctions against the State or group on the basis of such disapproval.

''(d) PROGRAM OPERATION.—

''(1) IN GENERAL.—A State or group of States shall conduct the program in accordance with the plan (and any amendments) approved under this section and with the requirements of this title.

''(2) VIOLATIONS.—The Secretary shall establish a process for enforcing requirements under this title. Such process shall provide for the withholding of funds in the case of substantial noncompliance with such requirements. In the case of an enforcement action against a State or group of States under this paragraph, the Secretary shall provide a State or group of States with a

reasonable opportunity for correction and for administrative and judicial appeal of the Secretary's action before taking financial sanctions against the State or group of States on the basis of such an action.

''(e) CONTINUED APPROVAL.—Subject to section 2201(d), an approved outpatient prescription drug assistance plan shall continue in effect unless and until the State or group of States amends the plan under subsection (b) or the Secretary finds, under subsection (d), substantial noncompliance of the plan with the requirements of this title.

''SEC. 2207. PLAN ADMINISTRATION; APPLICATION OF CERTAIN GENERAL PROVISIONS.

''(a) PLAN ADMINISTRATION.—An outpatient prescription drug assistance plan shall include an assurance that the State or group of States administering the plan will collect the data, maintain the records, afford the Secretary access to any records or information relating to the plan for the purposes of review or audit, and furnish reports to the Secretary, at the times and in the standardized format the Secretary may require in order to enable the Secretary to monitor program administration and compliance and to evaluate and compare the effectiveness of plans under this title.

''(b) APPLICATION OF CERTAIN GENERAL PROVISIONS.—The following sections of this Act shall apply to the program established under this title in the same manner as they apply to a State under title XIX:

''(1) TITLE XIX PROVISIONS.—

''(A) Section 1902(a)(4)(C) (relating to conflict of interest standards).

''(B) Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

''(C) Section 1903(w) (relating to limitations on provider taxes and donations).

''(2) TITLE XI PROVISIONS.—

''(A) Section 1115 (relating to waiver authority).

''(B) Section 1116 (relating to administrative and judicial review), but only insofar as consistent with this title.

''(C) Section 1124 (relating to disclosure of ownership and related information).

''(D) Section 1126 (relating to disclosure of information about certain convicted individuals).

''(E) Section 1128A (relating to civil monetary penalties).

''(F) Section 1128B(d) (relating to criminal penalties for certain additional charges).

''SEC. 2208. REPORTS.

''(a) IN GENERAL.—Each State or group of States administering a plan under this title shall annually—

''(1) assess the operation of the outpatient prescription drug assistance plan under this title in each fiscal year; and

''(2) report to the Secretary on the result of the assessment.

''(b) REQUIRED INFORMATION.—The annual report required under subsection (a) shall include the following:

''(1) An assessment of the effectiveness of the plan in providing outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(2) A description and analysis of the effectiveness of elements of the plan, including—

''(A) the characteristics of the low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs assisted under the plan, including family income and access to, or coverage by, other health insurance prior to the plan and after eligibility for the plan ends;

''(B) the amount and level of assistance provided under the plan; and

''(C) the sources of the non-Federal share of plan expenditures.

''(c) ANNUAL REPORT OF THE SECRETARY.—The Secretary shall submit to Congress and make available to the public an annual report based on the reports required under subsection (a) and section 2209(b)(5), containing any conclusions and recommendations the Secretary considers appropriate.

''SEC. 2209. ESTABLISHMENT OF DEFAULT PROGRAM.

''(a) PROGRAM AUTHORITY.—

''(1) IN GENERAL.—With respect to a fiscal year, in the case of a State that fails to submit (individually or as part of a group of States) an approved outpatient prescription drug assistance plan to the Secretary by the date described in section 2204(d)(2) for such fiscal year, outpatient prescription drug assistance to low-income medicare beneficiaries and, subject to the availability of funds, medicare beneficiaries with high drug costs, who reside in such State shall be provided during such fiscal year by the Secretary, through the Administrator of the Health Care Financing Administration, in accordance with this section.

''(2) DEFINITIONS.—In this section:

''(A) CONTRACTOR.—The term 'contractor' means a pharmaceutical benefit manager or other entity that meets standards established by the Administrator of the Health Care Financing Administration for the provision of outpatient prescription drug assistance under a contract entered into under this section.

''(B) LOW-INCOME MEDICARE BENEFICIARY.—The term 'low-income medicare beneficiary' means an individual who—

''(i) satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

''(ii) is determined to have family income that does not exceed a percentage of the poverty line for a family of the size involved specified by the Administrator of the Health Care Financing Administration that may not exceed 135 percent; and

''(iii) at the option of the Administrator of the Health Care Financing Administration, is determined to have resources that do not exceed a level specified by such Administrator.

''(C) MEDICARE BENEFICIARY WITH HIGH DRUG COSTS.—The term 'medicare beneficiary with high drug costs' means an individual—

''(i) who satisfies the requirements of subparagraphs (A) and (B) of section 2202(b)(1);

''(ii) whose family income exceeds the percentage of the poverty line specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(ii) for a low-income medicare beneficiary residing in the same State;

''(iii) whose resources exceed a level (if any) specified by the Administrator of the Health Care Financing Administration under subparagraph (B)(iii) for a low-income medicare beneficiary residing in the same State; and

''(iv) with respect to any 3-month period, who has out-of-pocket expenses for outpatient prescription drugs and biologicals (including insulin and insulin supplies) for which outpatient prescription drug assistance is available under this title that exceed a level specified by such Administrator (consistent with the availability of funds for the operation of the program established under this section in the State where the beneficiary resides).

''(b) ADMINISTRATION.—In administering the default program established under this section, the Administrator of the Health Care Financing Administration shall—

''(1) establish procedures to determine the eligibility of the low-income medicare beneficiaries and medicare beneficiaries with high drug costs described in subsection (a) for outpatient prescription drug assistance;

''(2) establish a process for accepting bids to provide outpatient prescription drug assistance to such beneficiaries, awarding contracts under such bids, and making payments under such contracts;

''(3) establish policies and procedures for overseeing the provision of outpatient prescription drug assistance under such contracts;

''(4) develop and implement quality and service assessment measures that include beneficiary quality surveys and annual quality and service rankings for contractors awarded a contract under this section;

''(5) annually assess the program established under this section and submit a report to the Secretary containing the information required under section 2208(b); and

''(6) carry out such other responsibilities as are necessary for the administration of the provision of outpatient prescription drug assistance under this section.

''(c) CONTRACT REQUIREMENTS.—

''(1) AUTHORITY; TERM.—

''(A) USE OF COMPETITIVE PROCEDURES.—

''(i) FISCAL YEAR 2001.—With respect to fiscal year 2001, the Administrator of the Health Care Financing Administration may enter into contracts under this section without using competitive procedures, as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5)), or any other provision of law requiring competitive bidding.

''(ii) FISCAL YEARS 2002, 2003, AND 2004.—With respect to fiscal years 2002, 2003, and 2004, the Administrator of the Health Care Financing Administration shall award contracts under this section using competitive procedures (as so defined).

''(B) TERM.—Each contract shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

''(2) BENEFIT.—The contract shall require the contractor to provide a low-income medicare beneficiary and, if applicable, a medicare beneficiary with high drug costs, outpatient prescription drug assistance that is equivalent to the FEHBP-equivalent benchmark benefit package described in section 2203(b)(2) in a manner that is consistent with the provisions of this title as such provisions apply to a State that provides such assistance.

''(3) QUALITY AND SERVICE ASSESSMENT.—The contract shall require the contractor to cooperate with the quality and service assessment measures implemented in accordance with subsection (b)(4).

''(4) PAYMENTS.—The contract shall specify the amount and manner by which payments (including any administrative fees) shall be made to the contractor for the provision of outpatient prescription drug assistance to low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(d) FUNDING.—

''(1) AGGREGATE OF TRANSFERRED AMOUNTS.—The Secretary, through the Administrator of the Health Care Financing Administration, shall use the aggregate of the amounts transferred and made available under section 2204(d)(1)(A)(i) for purposes of carrying out the default program established under this section. Such aggregate may be used to provide outpatient prescription drug

assistance to any low-income medicare beneficiary, and, subject to the availability of funds, medicare beneficiary with high drug costs, who resides in a State described in subsection (a)(1).

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—Administrative expenditures incurred by the Secretary or the Administrator of the Health Care Financing Administration for a fiscal year to carry out this section (other than administrative fees paid to a contractor under a contract meeting the requirements of subsection (c))—

''(A) shall be paid out of the aggregate amounts described in paragraph (1); and

''(B) may not exceed an amount equal to 1 percent of all premiums imposed for such fiscal year to provide outpatient prescription drug assistance to low-income medicare beneficiaries and medicare beneficiaries with high drug costs under this section.

''(e) TERMINATION.—Except as provided in section 2201(d)(2), the program established under this section shall terminate on September 30, 2004.

''SEC. 2210. DEFINITIONS.

''In this title:

''(1) COST-SHARING.—The term 'cost-sharing' means a deductible, coinsurance, copayment, or similar charge, and includes an enrollment fee.

''(2) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE.—

''(A) IN GENERAL.—The term 'outpatient prescription drug assistance' means, subject to subparagraph (B), payment for part or all of the cost of coverage of self-administered outpatient prescription drugs and biologicals (including insulin and insulin supplies) for low-income medicare beneficiaries and, if applicable, medicare beneficiaries with high drug costs.

''(B) EXCLUSIONS.—Such term does not include payment or coverage with respect to—

''(i) items covered under title XVIII; or

''(ii) items for which coverage is not available under a State plan under title XIX.

''(3) OUTPATIENT PRESCRIPTION DRUG ASSISTANCE PLAN; PLAN.—Unless the context otherwise requires, the terms 'outpatient prescription drug assistance plan' and 'plan' mean an outpatient prescription drug assistance plan approved under section 2206.

''(4) GROUP HEALTH PLAN; GROUP HEALTH INSURANCE COVERAGE; ETC.—The terms 'group health plan', 'group health insurance coverage', and 'health insurance coverage' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

''(5) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

''(6) PREEXISTING CONDITION EXCLUSION.—The term 'preexisting condition exclusion' has the meaning given such term in section 2701(b)(1)(A) of the Public Health Service Act (42 U.S.C. 300gg(b)(1)(A)).

''(7) STATE.—The term 'State' has the meaning given such term for purposes of title XIX.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended in the first and fourth sentences, by striking ''and XXI'' each place it appears and inserting ''XXI, and XXII''.

(2) TREATMENT AS STATE HEALTH CARE PROGRAM.—Section 1128(h) of such Act (42 U.S.C. 1320a–7(h)) is amended—

(A) in paragraph (3), by striking ''or'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting '', or''; and

(C) by adding at the end the following new paragraph:

''(5) an outpatient prescription drug assistance plan approved under title XXII.''.

SEC. 3. ELECTION BY LOW-INCOME MEDICARE BENEFICIARIES AND MEDICARE BENEFICIARIES WITH HIGH DRUG COSTS TO SUSPEND MEDIGAP INSURANCE.

Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by striking ''this paragraph or paragraph (6)'' and inserting ''this paragraph, or paragraph (6) or (7)''; and

(2) by adding at the end the following new paragraph:

''(7) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended at the request of the policyholder if the policyholder is entitled to benefits under section 226 and is covered under an outpatient prescription drug assistance plan (as defined in section 2210(3)) or provided outpatient prescription drug assistance under the program established under section 2209. If such suspension occurs and if the policyholder or certificate holder loses coverage under such plan or program, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.''.

Mr. TORRICELLI (for himself and Mr. JOHNSON):

S. 3018. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits.

MUNICIPAL DEPOSIT INSURANCE PROTECTION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise with my colleague Senator JOHNSON to introduce ''The Municipal Deposit Insurance Protection Act of 2000.'' This legislation provides municipal deposits with one-hundred percent federal deposit insurance coverage by the Federal Deposit Insurance Corporation (FDIC). The lack of one-hundred percent coverage for municipal deposits has stifled the ability of community banks to invest in local families and businesses. By providing this much-needed coverage, this legislation ensures that local banks have the resources they need to grow their communities.

Municipal deposits are taxpayer funds deposited by state and local governments, school districts, water authorities and other public entities. Due to the fact that the FDIC does not provide insurance coverage to municipal deposits, many states require banks to provide collateral for municipal deposits. Full deposit insurance coverage of municipal deposits could free up bank resources currently used for collateral. These resources could be used to keep local public funds at work in the communities in which they are generated.

Moreover, FDIC coverage helps build consumer confidence in their bank and helps attract the core deposits that are needed for community lending and a bank's survival. Without FDIC coverage, many independent, local banks are losing substantial deposits to large, corporate banks because of the perception that larger banks are safer. Providing municipal deposits with complete insurance coverage will strengthen community banks by placing these banks in a more competitive position to attract municipal deposits. Our nation's independently-operated banks are a valued part of our communities. It is important that these banks are able to maintain their competitiveness and continue providing their communities with their characteristic attention to customer service and investments in local farms and small businesses.

Finally, numerous taxpayers may be at risk municipal funds are placed in a failed bank. Recently, a bank failure in Carlisle, Iowa resulted in the loss of nearly $12 million in uninsured municipal deposits. Even though the state of Iowa has a fund that guarantees the deposits of state and local governments, there was an $8.4 billion shortfall in the fund. Consequently, this shortfall in funds will have to be made up by other Iowa banks.

This is why Senator's JOHNSON and I are introducing ''The Municipal Deposit Insurance Protection Act of 2000.'' The legislation will provide one-hundred percent coverage for municipal deposits will free up bank resources currently used as collateral, enable local, independent banks to attract municipal deposits, and will protect municipal taxpayers from losing uninsured public money. Senator JOHNSON and I look forward to working with our colleagues on this much-need legislation.

By Mr. INHOFE:

S. 3019. A bill to clarify the Federal relationship to the Shawnee Tribe as a distinct Indian tribe, to clarify the status of the members of the Shawnee Tribe, and for other purposes; to the Committee on Indian Affairs.

SHAWNEE TRIBE STATUS ACT OF 2000

Mr. INHOFE. Mr. President, today I introduce a bill that will modify the relationship between the Cherokee Nation in Oklahoma and the Shawnee Tribe in Oklahoma. These two tribes were joined together by an Agreement entered into between them on June 7, 1869. This bill will allow the Shawnee Tribe to have an independent government, elect its own officials and do those things it believes necessary to protect its language, culture and traditions. Since the two tribes will continue to operate in the same territory, the bill sets forth the conditions which shall govern those operations.

This legislation will have the effect of modifying the Cherokee-Shawnee agreement by allowing the Shawnee tribe to operate independently of the Cherokee Nation. The Shawnee Tribe

will be governed by a separate constitution currently in existence. Membership of Shawnee Indians will continue to be permitted within the Cherokee Nation, although Shawnee Indians who so elect will become members of the Shawnee Tribe exclusively.

The bill also sets forth the manner in which the Shawnee Tribe will conduct its business within the Cherokee Nation and both Tribes have concurred in this legislation through tribal resolutions of their respective governing bodies. Although the Shawnee Tribe will be operating within the jurisdictional territory of the Cherokee Nation, the Shawnee people believe it is in their best interest to have a separate tribal governance to protect and enhance their culture, language and history and to pursue the goal of self-sufficiency for their own Tribe.

It is important to note that in changing the agreement between these two tribes there is no new tribal territory created nor is it proposed that any additional land be taken into trust for either Tribe as a result of the changes. The jurisdictional area of the tribes remains as before so that there are no impacts on communities within the Cherokee Nation. The proposal is also revenue neutral as to the United States. Tribal members of either tribe now receiving services will continue to receive those services as they have in the past.

The Shawnee Tribe was never terminated nor can the Bureau of Indian Affairs cause the Tribes to be separated through the Federal Acknowledgment Process. The Agreement of 1869 between the two tribes was ratified by the President and can only be amended by this proposed action of Congress.

In summary, this bill would recognize the long standing policy of the United States to respect the sovereignty of every tribe and to respect the desire of the Shawnee people to be governed independently of the Cherokee Nation so that Shawnee people can identify with their own Tribe and work to maintain their culture, language, heritage and traditions.

By Mr. GRAMS (for himself, Mr. BAUCUS, Mr. INHOFE, Mr. GREGG, and Mrs. HUTCHISON):

S. 3020. A bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

RADIO BROADCASTING PRESERVATION ACT OF 2000

Mr. GRAMS. Mr. President, I rise today to introduce legislation to address the ongoing dispute between advocates of low power FM radio and full power FM radio broadcasters. I am pleased to be joined in this bipartisan effort by Senators BAUCUS, INHOFE, GREGG, and HUTCHISON. Our legislation, the ''Radio Broadcasting Preservation Act of 2000,'' was overwhelmingly passed by the House of Representatives on April 13th by a vote of 274–110.

On January 20th, the Federal Communications Commission narrowly adopted a proposal that would establish a new radio service known as low power FM radio (LPFM). Under this program, the Commission would license hundreds of new low power FM radio stations in two classes. The new service would license stations with a maximum power level of 10 watts that would reach an area with a radius of between 1 and 2 miles, and a second class of stations with a maximum power level of 100 watts that would reach an area with a radius of three and a half miles. Although the commission adopted first- and second-adjacent channel interference protections as part of its rulemaking, it chose to allow LPFM stations to be licensed on third-adjacent channels. The FCC began accepting applications for this new service on May 30th.

Over the last several months, I have carefully listened to Minnesotans who care deeply about the issues involved in the debate over LPFM. In the absence of third-adjacent channel protection, incumbent FM broadcasters believe that low power FM radio stations would cause interference to existing radio services. LPFM advocates argue that the Federal Communications Commission has conducted adequate testing for interference and that requiring third adjacent channel protections would unnecessarily limit the number of licensed low power FM radio stations. Further, they suggest that the 1996 Telecommunications Act has resulted in unprecedented concentration within the telecommunications industry.

Although I have many concerns about the impact of LPFM service upon current FM radio broadcasting, I share the commission's stated goal of increasing diversity in radio and television broadcasting. Earlier this Congress, I supported the enactment of the Community Broadcasters Act, which preserves the unique community television broadcasting provided by low power television stations that are operated by diverse groups such as high schools, churches, local government and individual citizens. I also look forward to reviewing the findings and recommendations from the ongoing survey of minority broadcast owners being conducted by the National Telecommunications and Information Administration that will be used to analyze the impact of the 1996 Telecommunications Act upon minority broadcast ownership in the United States.

Mr. President, I am also very mindful of the concerns about LPFM raised by radio reading service programs. In my home state, the State Services for the Blind sponsors the ''Radio Talking Book'' program. Radio Talking Book is a closed-circuit broadcast system which uses FM subcarrier frequencies from radio stations in Minnesota and South Dakota to deliver readings from newspapers, magazines and books on a daily basis to more than 10,000 blind and visually impaired persons. Sub-carrier signals are the most vulnerable to low power FM radio interference because they are located at the outer edge of the frequency space.

I am troubled by the Federal Communications Commission's decision to adopt LPFM without conducting field testing of subcarrier receivers. Nearly eight months after the Commission approved LPFM, engineering studies and field testing of these receivers have not yet been completed by the Commission, and it remains unclear as to how the FCC intends to address interference that may be caused to radio reading services. The agency's inaction underscores the haste in which the LPFM plan was developed and gives credence to the view that the adoption of the FCC rules was a rush to judgment. I ask unanimous consent that letters from Minnesota Public Radio, the Minnesota State Services for the Blind and the International Association of Audio Information Services be inserted into the RECORD at this time.

For these reasons, I am pleased to introduce the ''Radio Broadcasting Preservation Act of 2000.'' I believe this legislation represents the interests of LPFM advocates, full power FM broadcasters, and most importantly—radio listeners. This compromise bill will allow the Federal Communications Commission to license lower power FM radio stations while requiring additional third adjacent channel protections for full power FM broadcasters.

Among its other provisions, the Radio Broadcasting Preservation Act of 2000 would require that an independent party conduct testing in nine FM radio markets to determine whether LPFM without third adjacent channel protections would cause harmful interference to existing FM radio services. The legislation would require the FCC to submit a report to Congress which analyzes the experimental test program results; and evaluates the impact of LPFM on listening audiences, incumbent FM radio broadcasters, minority and small market broadcasters, and radio stations that provide radio reading services to the blind.

Mr. President, some advocates of the low power FM plan adopted by the Commission argue that the Congress should simply allow the agency to move forward on LPFM without any input or modifications from Congress. Those individuals apparently favor granting legislative authority to federal regulatory agencies. Since the establishment of the Federal Communications Commission through an Act

of Congress in 1934, members of the House and Senate have consistently exercised appropriate oversight of FCC rules and proposals.

As a member of the Senate, I have carefully monitored the Commission's activities to ensure responsible public policy and the wisest use of taxpayer dollars. Over the last few years, I have expressed my concern over a number of issues considered by the Commission, including satellite television, rights-of-way management, universal service, the impact of digital television rules upon low power television and translator stations, and most recently low power FM radio. Congress should not abdicate its oversight responsibilities when considering the LPFM issue.

Mr. President, I firmly believe that the ''Radio Broadcasting Preservation Act of 2000'' will strengthen community broadcasting without sacrificing existing radio services. I ask unanimous consent that the full text of this bill and additional material be printed in the RECORD and I yield the floor.

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

S. 3020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Radio Broadcasting Preservation Act of 2000''.

SEC. 2. MODIFICATIONS TO LOW-POWER FM REGULATIONS REQUIRED.

(a) THIRD-ADJACENT CHANNEL PROTECTIONS REQUIRED.—

(1) MODIFICATIONS REQUIRED.—The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) CONGRESSIONAL AUTHORITY REQUIRED FOR FURTHER CHANGES.—The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A); or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99–25 (47 CFR 73.853),

except as expressly authorized by Act of Congress enacted after the date of the enactment of this Act.

(3) VALIDITY OF PRIOR ACTIONS.—Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modify its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b) FURTHER EVALUATION OF NEED FOR THIRD-ADJACENT CHANNEL PROTECTIONS.—

(1) PILOT PROGRAM REQUIRED.—The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than nine FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) CONDUCT OF TESTING.—The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) REPORT TO CONGRESS.—The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

COMMUNICATION CENTER,
STATE SERVICES FOR THE BLIND,
St. Paul, MN, February 11, 2000.

TO WHOM IT MAY CONCERN: The Communication Center of Minnesota State Services for the Blind, SSB, has provided blind and visually impaired persons with access to the printed word since 1953. The most popular and well-known way we provide our customers with this access is via the Radio Talking Book, RTB. The RTB is a closed-circuit broadcast system which uses FM subcarriers, or SCA's, to bring people readings from newspapers, magazines and books, 24 hours a day, seven days a week. We loan our customers special SCA receivers, which only pick up the RTB signal.

The RTB, this nation's oldest and largest radio reading service for the blind, was founded in 1969 and has over 10,000 users in Minnesota alone. It is also picked up by other radio reading services around the country, for rebroadcast, via satellite.

We rely on the SCA frequencies of approximately 40 radio stations in Minnesota and South Dakota, to distribute our programming to local listeners. Approximately 20 stations used by us are operated by Minnesota Public Radio, MPR. Further, the MPR stations we use are our main outlets. The other stations we use are smaller and/or cover sparsely populated areas. Consequently, the Radio Talking Book lives and dies via the technical integrity and success of MPR.

While we support the principles of diversity and community access for all, we cannot support these goals at the expense of existing services. As you know, the Federal Communications Commission, FCC, intends to create at least 1000 low-power FM stations across the country. However, it is my understanding that they have not tested the effects and implications of these new services on existing FM SCA signals. This does not seem right to us. Prior to authorizing a new set of services, it seems to us, that you should know all the implications to existing services.

Since the sub-carrier signal of an FM station is located on the outside edge of its frequency space, it seems logical to us that these are the signals which will receive the first, and most harmful interference from new, untested signals. We strongly urge the FCC to do more testing prior to proceeding with the creation of new low-power FM services. Further, it seems even more advisable to use to not create such a new service at all prior to making long-term decisions about digital broadcasting. The FCC may be creating a new service that will be obsolete in a few years.

While we understand that the FCC must respond to a variety of constituencies, their decision which doesn't adequately consider the needs of SCA users, the majority of whom are users of radio reading services, seems to be highly disrespectful to blind and visually impaired persons. We urge the FCC to reconsider its low-power FM policy. Thank you very much for your consideration of our concerns.

Respectfully yours,

DAVID ANDREWS,
Director, Communication Center.

MINNESOTA PUBLIC RADIO,
St. Paul, MN, September 6, 2000.

Senator ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: Minnesota Public Radio supports your efforts to protect high quality signal integrity for America's radio listening public. Recent action by the Federal Communications Commission will cause harm to the broadcast signal of existing stations and interfere with their ability to serve their listeners. Your legislation, a bipartisan compromise, will protect the rights of the listening public to receive the highest quality signal available.

In addition to protecting the general listening public, your legislation will protect a particularly vulnerable segment of the radio listening public, the blind and visually impaired.

More than 1 million blind and visually impaired people in the United States are served by the joint efforts of radio reading services and public radio stations. This service is now threatened by a well meaning but highly politicized action of the FCC.

Started in Minnesota in 1969 as Radio Talking Book (RTB) by the joint effort of Minnesota Public Radio and the Minnesota Services for the Blind, radio reading services have grown to more than 100 locally controlled and operated reading services around the country. They bring newspapers, magazines and books into the lives of those who can't see by the use of an FM radio subcarrier, or SCA. The SCA uses a sliver of the FM signal, and basically ''piggybacks'' onto the regular FM frequency. Reading service customers receive a special radio receiver, which picks up only the SCA broadcast.

The FCC in January approved rules to add more local public service broadcasting to America's airwaves. Unfortunately, it rescinded decades-old protections given existing broadcasters and the listening public. The removal of those protections will, most certainly, cause interference to the broadcast signal that are currently being delivered by the nation's radio reading services.

Many in this country, including Minnesota Public Radio, support the goal of licensing more locally owned low-power FM stations. They would be a welcome addition to the voices and opinions heard on the air. However, when government deals with trying to solve problems, it should learn from the medical profession's Hippocratic Oath: First do no harm. Your legislation helps solve the problem of additional voices and does no harm to America's general listening public and specifically the services of Radio Reading Services.

Attached is an Opinion piece from the Fergus Falls Daily Journal as well as a letter in opposition to the FCC decision by the Minnesota Services for the Blind.

Congratulations to taking on this important issue for the benefit of the people of Minnesota.

Sincerely yours,

WILL HADDELAND,
Senior Vice President.

INTERNATIONAL ASSOCIATION OF AUDIO INFORMATION SERVICES,
Pittsburgh, PA, May 20, 2000.

Senator ROD GRAMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GRAMS: We are writing to ask for your help in the urgent matter of Low Power FM service that is being rushed into place by the FCC. There are millions of Americans that may be dramatically and negatively impacted by these new stations. They are blind, visually impaired, or have a disability that prevents them from reading. Our association members serve them with reading services on the radio, and other print-to-audio services.

A reading service on the radio is the daily newspaper for these men and women. It's where they learn what is on sale at the local grocery store, what bus stops have changed in their town, and who passed away. Without this valuable link to their community, they are at grave risk of being isolated and become very dependent.

Our association of these reading services, IAAIS, has asked the FCC to ensure that reading services for the blind not suffer interference from the coming new Low Power FM stations. IAAIS is very concerned that the fragile sub-carrier services will not be heard clearly when a low power FM station is allowed in the 2nd adjacent space on the FM dial. The radios we have to use to give blind listeners access to the signals have very fragile reception characteristics. The FCC's plan for low power stations brings a potential of interference that never existed before.

We've taken radios from our members and supplied them to the FCC for testing. These are the same special radios blind listeners must use to hear the services. This entire class of radio was not tested before the FCC authorized LPFM—so no one knows if an LPFM station will impair the blind listeners ability to hear their reading service. That's what really concerns us.

The FCC does not know if Low Power stations will harm our services, yet it is proceeding with the plans for implementation. We think that's wrong and have asked them to wait until the tests are done. In spite of our request and others' at the end of this month, the FCC plans to begin the application process to create Low Power stations. There need be no rush. We think the FCC should at least wait for the results of receiver tests before starting something that might have devastating consequences.

We've also asked the FCC for a description of the procedure they will use to resolve interference that occurs after Low Power FM is implemented. They have given no indication that they have such a procedure. We find this alarming to say the least.

For all these reasons, we've endorsed the measures outlined in the compromise legislation passed by the House in April, HR3439. With the slow down in implementation and test roll-out of low power sites that the bill affords, we feel there will be a better chance that Low Power FM can be implemented without damage to reading services for the blind.

We hope you'll help by supporting a Senate measure that will echo the intentions of House Bill 3439. The Bill will buy time while tests are completed. These test results, and the procedure for resolving problems must be published before adding new radio stations. It would help to ensure that the listeners to reading services do not suffer the loss of their ability to read a newspaper . . . for the second time.

Sincerely,

DAVID W. NOBLE,
President.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, and Mrs. FEINSTEIN):

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

MEXICAN DECERTIFICATION MORATORIUM

Mrs. HUTCHISON. Mr. President, I send a bill to the desk. I submit this bill on behalf of myself, Senator DOMENICI, Senator DODD, and Senator FEINSTEIN.

The purpose of the bill is to put a 1-year moratorium on the decertification process for Mexico as it relates to the illegal drug trafficking issue that we have been dealing with for so long. The reason we are introducing this bill and hope for expedited procedures is that we have just seen a huge election in Mexico in which, for the first time in 71 years, there is a president from the opposition party, from the PRI, which has been the ruling party in Mexico all this time.

Democracy is beginning to be real in Mexico, and we want to do everything we can to encourage this democracy. We want to do everything we can to have good relations, better relations, with our sister country to the south, Mexico.

Vicente Fox has visited the United States. He has opened the door for better relations. I know our next President, whoever he may be, will also want to do the same thing.

It is a very simple bill. It is a bill that says for 1 year we are not going to go through the certification-decertification process, and hopefully our two new Presidents will begin a new era of cooperation in this very tough issue that plagues both of our countries. Having a criminal element in Mexico and a criminal element in the United States certainly is a cancer on both of our countries, and we want to do everything we can to improve the cooperation in combating this issue.

The inauguration of Vicente Fox as President of Mexico on December 1st should usher in a sea change in Mexican politics as well as the U.S.-Mexico relationship. Not only will 71 years of rule by the Institutional Revolutionary Party (PRI) come to an end, but hopefully so too will come an end to the flood of illegal drugs from Mexico into the U.S.

Despite the promise of a new day in our relationship with Mexico, a dark cloud looms on the horizon—the annual drug certification ritual in which Congress requires the President to ''grade'' drug-producing and drug-transit countries each March 1 on their progress in the war on drugs.

The facts have remained essentially unchanged over the past several years. Mexico is the source of about 20–30% of the heroin, up to 70% of the foreign grown marijuana, and the transit point for 50–60% of the cocaine shipped into the United States.

Mexico has never been decertified, but the thought of being in the company of Iran, Iraq, and Afghanistan on this list, has done little except to antagonize their political leadership and thwart expanded cooperation. There is no reason to go through this exercise next March and grade President Fox after fewer than 120 days in office. Further, with a new U.S. President taking office on January 20, there is no reason to set up a major confrontation between the two before they have even had an opportunity to work together cooperatively.

I am proud to introduce legislation with Senators PETE DOMENICI, CHRISTOPHER DODD, and DIANNE FEINSTEIN

which will grant Mexico a 1-year waiver from the annual certification process. I hope the Congress will pass this waiver legislation before we adjourn.

This 1-year waiver will give President Fox the time he needs to develop and implement a new drug-fighting strategy in Mexico. And it will give the United States the time we need to work with President Fox in the creation of this new strategy, and to finally put in place the law enforcement needed to stop the flow of drugs across our 2000-mile shared border.

The United States has enjoyed a long-term partnership with Mexico that has grown closer and more cooperative over time. The North American Free Trade Agreement cemented and strengthened our relationship—and our interdependence. Just last year, Mexico surged past Japan as our nation's second largest trade partner.

But partnership is a two-way exchange, and in recent years we have drifted into tolerance of unacceptable conditions in the arena of drug trafficking and the endemic corruption it causes in communities on both sides of the border. The border has been a sieve for drugs, and it has resulted in a degree of lawlessness in Texas and along the U.S.-Mexico border that we have not seen since the days of the frontier. Even worse, the war on drugs plays out daily on nearly every schoolyard across our nation.

I am more optimistic than ever, though, by the election of Vicente Fox, that Mexico is prepared to make the sacrifices necessary to contain the drug threat. And as he seeks to make progress on this almost overwhelming issue, we do not need to poison the spirit of early cooperation by injecting drug certification.

Specifically, this bill waives for one-year only the requirement that the President certify Mexico's cooperation with the United States in the war on drugs. This waiver does not exempt Mexico from any of the reports or other activities associated with the certification process. It simply says the President does not need to ''grade'' Mexico by choosing between certification, decertification, or decertification with a national interest waiver.

This 1-year drug certification waiver will give both the United States and Mexico time to develop a process that will make us partners rather than adversaries in addressing the one issue that can make moot all of the promising opportunities between our two nations.

Still, President-elect Fox and the Government of Mexico should make no mistake about the priority the United States places on winning the war on drugs. We will expect this to be a top priority of our new President, and we hope that this will be a priority of President Fox.

The Mexican government must take effective, good-faith steps to stop the narco-corruption that infects and demoralizes both of our countries. We ask them to take effective action to destroy the major drug cartels and imprison their kingpins, implement laws to curtail money laundering, comply with U.S. extradition requests, increase interdiction efforts and cooperate with U.S. law enforcement agencies.

President-elect Fox has shown every willingness to work with the United States in developing these objectives. He knows the challenges ahead, and especially the ones that will come as Mexico's democracy continues to evolve and be tested. The United States should not add the pressures of the certification process next year to a situation so full of risks and opportunities.

Mr. DOMENICI. Mr. President, I commend Senator HUTCHISON, along with Senators DODD and FEINSTEIN for introducing this bill today. I am pleased to join in this effort.

The election of Vicente Fox as President of Mexico is a remarkable event in the history of our neighbor to the south.

After 71 years of rule by the Institutional Revolutionary Party, Mexico is about to embark on an important test of its new democracy.

Mr. Fox has spoken very eloquently and persuasively in recent weeks and he has offered some interesting new ideas on critical issues which affect both of our countries, like immigration, trade and controlling illegal drugs.

Some of his ideas are quite impressive, and they certainly will spur debate both in the United States and in Mexico.

I think it is important for our leaders in the United States, particularly those in the border region, to engage Mr. Fox, talk with him, listen to his ideas and offer our own thoughts to him.

In this spirit of cooperation and acceptance, I think it is critical for the United States to suspend the drug certification process for Mexico this coming year.

Mr. Fox needs time to build his administration, and to develop his own plan for dealing with the drug cartels.

As we all know, the history of drug cooperation between the United States and Mexico has not been great.

Mexico remains the source of 70 percent of the foreign grown marijuana in the U.S., 50–60 percent of the cocaine and 25–30 percent of the heroin.

In recent months, our federal law enforcement authorities have dismantled a major heroin ring operating out of Nayarit, Mexico, which was responsible for much of the black tar heroin in the Southwest.

It is this heroin which has torn apart the northern New Mexico county of Rio Arriba, which has the highest per capita heroin overdose rate in the Nation.

President-elect Fox has said that he will redouble his country's efforts to fight the drug cartels, and will increase the number of criminals extradited to the United States to stand trial.

I have fought for years for more extraditions, and I am pleased that President Fox shares my goal.

I want to give Mr. Fox time to prove that he means what he says. Engaging in the certification process in March of 2001, within only 120 days of Mr. Fox's first day in office, will only serve as a hindrance to developing mutual cooperation between the two new administrations.

The bill we have introduced today merely waives for one year the requirement that the President make a certification decision about Mexico.

This waiver would not exempt Mexico from any of the annual reports or other activities associated with the certification process, including review by the State Department in its annual report to Congress.

It simply says that the next United States President need not grade Mexico and its new President in his first four months in office by choosing between certification, decertification or certification through a national interest waiver.

Mr. Fox should make no mistake—Senators from the Southwest care deeply about the drug problem, which affects our communities, courts, jails, hospitals and border region like no other issue.

We expect Mr. Fox to set concrete, measurable goals and timetables for crippling the drug cartels and ending narco-corruption.

This is a fair bill, one that respects the new democracy in Mexico, and recognizes that the new administration needs time to set its own agenda.

I look forward to working with my colleagues in the Senate and the new President of Mexico on this and other important issues of mutual interest between our two countries.

Mr. DODD. Mr. President, I commend my friend from Texas for this proposal. I am pleased to be a cosponsor of it, along with the Senator from New Mexico, Senator DOMENICI, and Senator FEINSTEIN from California. We hope others will join us and will soon be circulating a dear colleague letter inviting them to do so.

We believe that this is a very sensible and timely proposal in light of the dramatic changes that have occurred this past July 2 with the election of Vincente Fox, candidate for the National Action Party, as the next President of Mexico. His inauguration later this year will bring to an end 71 years of the office of the Mexican President being held by a representative of the Institutional Revolutionary Party. Clearly President-elect Fox has an enormous task before him to put in place his new administration and to

formulate policies and programs that he believes are consistent with his campaign promises and priorities. Among the many issues that he has suggested will be priorities of his administration is enhanced counter narcotics cooperation with the United States.

I have made no secret of the fact that I believe that the annual unilateral drug certification procedures have been an obstacle to furthering cooperation between U.S. and Mexican law enforcement authorities. Rather than encouraging them to work closely together to thwart the corrupting impact of the drug kingpins in the United States and Mexico, the certification process degenerates annually to a shouting match across our southern border with respect to whether the Mexican government has done enough to warrant a passing grade from us on the counter narcotics front. Needless to say, Mexican officials resent the fact the they are being unilaterally graded on their performance by us while U.S. policies and programs are never subject to similar review or criticism.

Frankly, Mr. President, this year elections on both sides of the border give us an opportunity to start afresh with respect to counter narcotics cooperation next year. By suspending the certification process for FY 2001, the climate for working more closely on these important programs will not be soured right off the bat by the March 1 grading of Mexico. It is my hope that the new U.S. and Mexican administrations will make it a high priority in the early days of their administrations to put forward a joint plan for ensuring enhanced cooperation on counter narcotics issues that will replace the existing and counterproductive unilateral annual certification process with a multilateral mechanism to monitor progress in combating drug trafficking and related crimes in all affected countries. I would certainly be prepared to support an additional suspension of the certification process for a second year if additional time is needed to put in place a multilateral mechanism to ensure that international cooperation on such matters is working.

Mr President, this is an extremely important issue for not only Mexico and the United States both for countries throughout this hemisphere. Certainly we need to address the problem of consumption here at home. Our neighbors in this hemisphere, that are either involved in the production, in the chemical transformation of these products, or the transportation or the money laundering have a different set of issues to address in our joint efforts to reduce both production and consumption of illicit drugs. It is vital that there be a high level of cooperation if we are going to be successful in stemming the tide and flow of narcotics that pour into this country, that result in the deaths of 50,000 Americans every year in drug-related deaths in this country. I believe that the certification procedures are impeding that kind of cooperation. We believe that the legislation we have introduced this evening will improve the prospects that this will be done. I would hope that all of our colleagues will join us in endorsing this approach.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my support to the legislation introduced by my distinguished colleague from Texas, Senator HUTCHISON.

Essentially, this bill would—for 1 year only—suspend the certification process with respect to Mexico.

It is my hope that this one-year hiatus will be viewed as a sign of good faith between our nations, and that our two countries will dramatically increase the level of our cooperation in the coming year. The problem of drugs is as serious as any we face, and only with a true partnership with Mexico and other source countries can we hope to succeed in the battle against illegal narcotics.

Mr. President, let me be very clear—my support for this legislation this year should not be taken as a sign that I am any less concerned with the rampant corruption and increasingly serious problem of illegal narcotics flowing from Mexico into the United States. I sincerely hope that President-elect Fox and the government of Mexico will with innovation and commitment launch a new and effective war against the cartels that are currently of unparalleled strength and viciousness.

The Zedillo administration has made some progress in cooperating with the United States in this fight.

For instance, the Zedillo administration:

Allowed, for the first time, the extradition of two Mexican Nationals on drug charges—although these were lower level participants in the drug trade. This is a beginning, but just that—there is still a long way to go.

Fired more than 1400 of 3500 federal police officers for corruption; and so far, more than 350 officers have been prosecuted.

Cooperated with the FBI late last year in an investigation on Mexican soil.

And greatly increased seizures of illegal narcotics.

On the other hand, not nearly enough has been done:

Mexico is still the conduit to as much as 70% of the cocaine consumed in the United States (much of it originating in Colombia);

Mexico supplies the majority of marijuana to the U.S., and, according to the United States Forest Service, Mexican cartels are now sending people across the border to grow marijuana in our national forests and on other federal lands;

Despite recent successes in disrupting methamphetamine production in Mexico, the meth cartels are now increasingly setting up meth labs in the United States;

To date, not one major drug kingpin of Mexican nationality has yet been extradited to this country, nor has a major kingpin even been arrested, with the exception of the Amezcua brothers, currently in jail, while the Mexican government decides whether to extradite. Until the cartel leaders are arrested, tried, convicted and imprisoned, there can be no real improvement.

In the meantime, Mexican drug cartels are becoming ever more vicious. Tijuana, for instance recently saw its second police chief gunned down in less than 6 years, as dozens of judges, prosecutors and drug agents have been killed in Tijuana alone in recent years.

Last April, the bodies of two Mexican drug agents and a special prosecutor for the Mexican Attorney General's anti-narcotics unit were found in such a mangled state that identification—even by the spouse of one of the agents—was impossible. According to press accounts, one investigator who saw the photographs of the crime scene said ''They told me it was a body. I've never seen anything like that.''

The Arellano Felix organization is responsible for many of these crimes. They hold such a strong grip over their community that former DEA Administrator Thomas Constantine recently said that ''in Tijuana and Baja, they have become more powerful than the instruments of government in Mexico.''

The Arellano Felix cartel operates with an estimated one million dollars in bribe money every day. With that money they pay law enforcement to look the other way, prosecutors to leave them alone, judges to let them go free, and for information about their enemies.

This leads to the largest single threat in this war against drugs—the level of corruption within Mexican law enforcement and even extending into this country. Honest law enforcement officers cannot know who to trust. Anyone who gets too close to capturing cartel members is subject to exposure and assassination. And the cycle of corruption and failure continues.

The corruption is evident at all levels of Mexican law enforcement, and this is a problem that can only be solved through a concerted, comprehensive effort on the part of the Fox administration.

Until the history of corruption is reversed and the drug cartels are brought to justice, this nation will have no respite from the scourge of drugs flowing across our borders.

I cosponsor this legislation today as an experiment to see that, if by putting aside the contentiousness of a certification debate next March, there can be a new, more productive process. I will

follow this closely. If reports do not reflect substantial, positive change, we will know clearly that decertification may be the only course.

I thank the Chair, and I yield the floor.

Mrs. HUTCHISON. Mr. President, if Senator DOMENICI would yield for 1 more minute, I would like to, first of all, thank him for allowing us the time to introduce this bill. If we are going to be able to pass this by the end of the session, it is imperative that we get the bill into the process. I also thank the Senator from New Mexico, the Senator from Connecticut, and the Senator from California for being prime cosponsors because this will show the Mexican people and the new President-elect of Mexico that we do want cooperation.

I believe it is in our long-term best interests that we develop trade relationships with our neighbor to the south, that we work with them on investments because as we increase the standard of living in Mexico, I think many of the immigration problems and the problems dealing with illegal drugs will also be wiped away.

So this is a new era. I think this bill will signal that we do want cooperation and friendship. I have high hopes for President-elect Vincente Fox. I have high hopes that our new President will focus on this issue as well, to try to come up with a whole new process beyond certification and decertification, which certainly has not worked very well in the past.

I yield the floor.

ADDITIONAL COSPONSORS

S. 385

At the request of Mr. ENZI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 385, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) 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. 2438

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2438, a bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

S. 2572

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2572, a bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2689

At the request of Ms. LANDRIEU, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 2689, a bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. LUGAR) 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. 2735

At the request of Mr. CONRAD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2735, a bill to promote access to health care services in rural areas.

S. 2787

At the request of Mr. DOMENICI, his name 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. 2837

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2837, a bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes.

S. 2841

At the request of Mr. ROBB, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2868

At the request of Mr. KENNEDY, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2931

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2931, a bill to make improvements to the Arctic Research and Policy Act of 1984.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. ASHCROFT), the Senator from Kentucky (Mr. BUNNING), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2977

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) 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. 339

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WARNER), the Senator from Nevada (Mr. BRYAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. DURBIN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

S. RES. 340

At the request of Mr. REID, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Delaware (Mr. BIDEN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

S. RES. 342

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Minnesota (Mr. GRAMS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. MACK), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Tennessee (Mr. THOMPSON), the Senator from Virginia (Mr. WARNER), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 342, a resolution designating the week beginning September 17, 2000, as ''National Historically Black Colleges and Universities Week.''

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

AMENDMENT NO. 4024

At the request of Mr. DOMENICI, his name was added as a cosponsor of Amendment No. 4024 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4047

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4047 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. GRAMM, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. LUGAR), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of amendment No. 4047 proposed to H.R. 4733, supra.

AMENDMENT NO. 4070

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4070 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4071 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4072

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4072 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4073

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of amendment No. 4073 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4076

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4076 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4078

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4078 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4085

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 4085 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 4088

At the request of Mr. SMITH of Oregon, the name of the Senator from Wyoming (Mr. THOMAS) was added as a

cosponsor of amendment No. 4088 proposed to H.R. 4733, a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 349—TO DESIGNATE SEPTEMBER 7, 2000, AS ''NATIONAL SAFE TELEVISION FOR ALL-AGES DAY''

Mr. HUTCHINSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 349

Whereas modern communication has made television a central reality in the lives of most Americans and one of the most pervasive socializing instruments in American culture;

Whereas family members and American citizens of all ages view an average of 17 hours of television per week;

Whereas there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers;

Whereas violent and antisocial behavior in American culture have increased as television depictions of violent actions and destructive attitudes have become more elaborate and more common place in television programming;

Whereas television programming portraying responsible conflict resolution and positive, meaningful role models have a profound impact on the values that influence American culture;

Whereas family oriented programming reinforces positive attitudes and sound cultural values in our homes, schools, and communities; and

Whereas the values and attributes portrayed in family oriented programming promote positive social change and movement away from the social apathy and moral deterioration which are currently promoted by a wide variety of media sources: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2000, as ''National Safe Television for All-Ages Day''; and

(2) urges all citizens to observe ''National Safe Television for All-Ages Day'' by encouraging family and community members to advocate for socially responsible television and area broadcasting that offers such programming.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that I be recognized to speak for 5 minutes as if in Morning Business. Mr. President, I rise to introduce a resolution which designates September 7th of each year as ''National Safe TV for All-Ages Day.'' On September 7, 1927, Philo Farnsworth, a young 21-year-old inventor in San Francisco, transmitted the first all-electronic television picture. By the time he died in 1971, Philo Farnsworth's invention had become one of the greatest innovations of the 20th Century.

Today, the modern television plays a central role in entertaining untold millions world-wide, and no where has it made more of an impact on society than in the United States. Television has become a fixture in almost every home. Americans view an average of 17 hours of television per week. This medium enjoys unprecedented access into the American home. Sadly, this access to the family has been abused as scenes of overtly violent and sexual acts on television have been on the rise for decades. As a result, there is a general consensus among researchers and the American public that violence on television correlates to violent and aggressive behavior in children and teenagers.

Given the continued rise of this negative behavior in American society—especially among young people—parents, teachers, law enforcement officials, sociologists, and politicians are looking for ways to fight back. That is why I have publicly encouraged television executives and movie makers to take responsibility for the impact their programming and movies are having on viewers, regardless of age. While the entertainment industry continues to market violence, families must decide how to protect against a barrage of negative images.

My resolution encourages families and viewers of all-ages to turn off the overtly violent and sexual programming and turn to safe, family oriented programming which reinforces positive attitudes and sound cultural values in our homes, schools, and communities. Television programming which portrays responsible conflict resolution and positive, meaningful role models has a profound impact on the values that influence American culture.

It is my hope that parents take matters into their own hands by making September 7th the day families use the remote control to send a message to the television executives that violent programming is not wanted in our homes. It is my sincere hope that more Americans consider what kind of cumulative affect negative television programming has on families. I encourage my colleagues to cosponsor this measure and support safe TV for all ages. Mr. President, I yield the floor.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

WELLSTONE (AND OTHERS) AMENDMENT NO. 4114

Mr. WELLSTONE (for himself Mr. HELMS, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framwork for relations between the United States and the People's Republic of China; as follows:

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999; and

(2) following the recommendations of the United States Commission on International Religious Freedom, the People's Republic of China has made substantial improvements in respect for religious freedom, as measured by the fact that—

(A) the People's Republic of China has agreed to open a high-level and continuing dialogue with the United States on religious-freedom issues;

(B) the People's Republic of China has ratified the International Convention on Civil and Political Rights, which it has signed;

(C) the People's Republic of China has agreed to permit the United States Commission on International Religious Freedom and international human rights organizations unhindered access to religious leaders, including those imprisoned, detained, or under house arrest;

(D) the People's Republic of China has responded to inquiries regarding persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known, although they were last seen in the custody of Chinese authorities; and

(E) the People's Republic of China has released from prison all persons incarcerated because of their religion or beliefs.

On page 5, line 10, strike ''section 101(a)'' and insert ''section 101''.

BYRD (AND FEINGOLD) AMENDMENT NO. 4115

(Ordered to lie on the table.)

Mr. BYRD (for himself, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 69, after line 16, insert the following:

SEC. 702. UNITED STATES SUPPORT FOR THE TRANSFER OF CLEAN ENERGY TECHNOLOGY AS PART OF ASSISTANCE PROGRAMS WITH RESPECT TO CHINA'S ENERGY SECTOR.

(a)(1) the People's Republic of China faces significant environmental and energy infrastructure development challenges in the coming century;

(2) economic growth and environmental protection should be fostered simultaneously;

(3) China has been recently attempting to strengthen public health standards, protect natural resources, improve water and air quality, and reduce greenhouse gas emissions levels while striving to expand its economy;

(4) the United States is a leader in a range of clean energy technologies; and

(5) the environment and energy infrastructure development are issues that are equally important to both nations, and therefore, the United States should work with China to encourage the use of American-made clean energy technologies.

(b) SUPPORT FOR CLEAN ENERGY TECHNOLOGY.—Notwithstanding any other provision of law, each department, agency, or other entity of the United States carrying

out an assistance program in support of the activities of United States persons in the environment and energy sector of the People's Republic of China shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of the People's Republic of China.

BYRD AMENDMENTS NOS. 4116–4117

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4116

Beginning on page 16, strike line 11 and all that follows through line 2 on page 17 and insert the following:

''(k) STANDARD FOR PRESIDENTIAL ACTION.—

''(1) FINDINGS.—Congress finds that—

''(A) market disruption causes serious harm to the United States industrial and agricultural sectors which has grave economic consequences;

''(B) product-specific safeguard provisions are a critical component of the United States-China Bilateral Agreement to remedy market disruptions; and

''(C) where market disruption occurs it is essential for the Commission and the President to comply with the timeframe stipulated under this Act.

''(2) TIMEFRAME FOR ACTION.—Not later than 15 days after receipt of a recommendation from the Trade Representative under subsection (h) regarding the appropriate action to take to prevent or remedy a market disruption, the President shall provide import relief for the affected industry pursuant to subsection (a), unless the President determines and certifies to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that taking action pursuant to subsection (a) would cause serious harm to the national security of the United States.

''(3) BASIS FOR PRESIDENTIAL CERTIFICATION.—The President may determine and certify under paragraph (2) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

''(4) AUTOMATIC RELIEF.—

''(A) IN GENERAL.—If, within 70 days after receipt of the Commission's report described in subsection (g), the President and the United States Trade Representative have not taken action with respect to denying or granting the relief recommended by the Commission, the relief shall automatically take effect.

''(B) PERIOD RELIEF IN EFFECT.—The relief provided for under subparagraph (A) shall remain in effect without regard to any other provision of this section.

AMENDMENT NO. 4117

On page 53, between lines 3 and 4, insert the following:

SEC. 402. PRC COMPLIANCE WITH WTO SUBSIDY OBLIGATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) A significant portion of the economy of the People's Republic of China consists of state-owned enterprises.

(2) Chinese state-owned enterprises receive significant subsidies from the Government of the People's Republic of China.

(3) These Chinese state-owned enterprises account for a significant portion of exports from the People's Republic of China.

(4) United States manufacturers and farmers should not be expected to compete with these subsidized state-owned enterprises.

(b) COMMITMENT TO DISCLOSE CERTAIN INFORMATION.—The United States Trade Representative—

(1) acting through the Working Party on the Accession of China to the World Trade Organization, shall obtain a commitment by the People's Republic of China to disclose information—

(A) identifying current state-owned enterprises engaged in export activities;

(B) describing state support for those enterprises; and

(C) setting forth a time table for compliance by the People's Republic of China with the subsidy obligations of the World Trade Organization; and

(2) shall vote against accession by the People's Republic of China to the World Trade Organization without such a commitment.

(c) STATE-OWNED ENTERPRISE.—The term ''state-owned enterprise'' means a person who is affiliated with, or wholly owned or controlled by, the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(1) the person's assets are primarily owned by a central or provincial government authority;

(2) in whole or in part, the person's profits are required to be submitted to a central or provincial government authority;

(3) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(4) a license issued by a government authority classifies the person as state-owned.

WELLSTONE AMENDMENTS NOS. 4118–4121

Mr. WELLSTONE proposed four amendments to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4118

On page 4, line 22, beginning with ''Prior'' strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, signed in October 1998, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies, foreign journalists, diplomats, and independent human rights monitors;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and ongoing dialogue with the United States on religious freedom; and

(7) the leadership of the People's Republic of China has entered into a meaningful dialogue with the Dalai Lama or his representatives.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4119

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China is complying with the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on August 7, 1992;

(3) the People's Republic of China is complying with the Statement of Cooperation on the Memorandum of Understanding Between the United States and the People's Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, signed on March 14, 1994; and

(4) the People's Republic of China is fully cooperating with all outstanding requests made by the United States for visitation or investigation pursuant to the Memorandum referred to in paragraph (2) and the Statement of Cooperation referred to in paragraph (3), including requests for visitations or investigation of facilities considered ''reeducation through labor'' facilities.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4120

On page 4, line 22, beginning with ''Prior'', strike all through page 5, line 12, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of union organizing; and

(3) the People's Republic of China has made substantial progress in releasing from prison all persons incarcerated for organizing independent trade unions.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101 shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

AMENDMENT NO. 4121

At the end of the bill, add the following:

TITLE VIII—WORKER RIGHTS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Right to Organize Act of 2000''.

SEC. 802. EMPLOYER AND LABOR ORGANIZATIONS PRESENTATIONS.

Section 8(c) of the National Labor Relations Act (29 U.S.C. 158(c)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following new paragraphs:

''(2) If an employer or employer representative addresses the employees on the employer's premises or during work hours on issues relating to representation by a labor organization, the employees shall be assured, without loss of time or pay, an equal opportunity to obtain, in an equivalent manner, information concerning such issues from such labor organization.

''(3) Subject to reasonable regulation by the Board, labor organizations shall have—

''(A) access to areas in which employees work;

''(B) the right to use the employer's bulletin boards, mailboxes, and other communication media; and

''(C) the right to use the employer's facilities for the purpose of meetings with respect to the exercise of the rights guaranteed by this Act.''.

SEC. 803. LABOR RELATIONS REMEDIES.

(a) BOARD REMEDIES.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting after the fourth sentence the following new sentence: ''If the Board finds that an employee was discharged as a result of an unfair labor practice, the Board in such order shall (1) award back pay in an amount equal to 3 times the employee's wage rate at the time of the unfair labor practice and (2) notify such employee of such employee's right to sue for punitive damages and damages with respect to a wrongful discharge under section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187), as amended by the Fair Labor Organizing Act.''.

(b) COURT REMEDIES.—Section 303 of the Labor Management Relations Act, 1947 (29 U.S.C. 187) is amended by adding at the end the following new subsections:

''(c) It shall be unlawful, for purposes of this section, for any employer to discharge an employee for exercising rights protected under the National Labor Relations Act.

''(d) An employee whose discharge is determined by the National Labor Relations Board under section 10(c) of the National Labor Relations Act to be as a result of an unfair labor practice under section 8 of such Act may file a civil action in any district court of the United States, without respect to the amount in controversy, to recover punitive damages or if actionable, in any State court to recover damages based on a wrongful discharge.''.

SEC. 804. INITIAL CONTRACT DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h)(1) If, not later than 60 days after the certification of a new representative of employees for the purpose of collective bargaining, the employer of the employees and the representative have not reached a collective bargaining agreement with respect to the terms and conditions of employment, the employer and the representative shall jointly select a mediator to mediate those issues on which the employer and the representative cannot agree.

''(2) If the employer and the representative are unable to agree upon a mediator, either party may request the Federal Mediation and Conciliation Service to select a mediator and the Federal Mediation and Conciliation Service shall upon the request select a person to serve as mediator.

''(3) If, not later than 30 days after the date of the selection of a mediator under paragraph (1) or (2), the employer and the representative have not reached an agreement, the employer or the representative may transfer the matters remaining in controversy to the Federal Mediation and Conciliation Service for binding arbitration.''.

HOLLINGS AMENDMENT NO. 4122

Mr. HOLLINGS proposed an amendment to the bill, H.R. 4444, supra; as follows:

On page 4, beginning with line 4, strike through line 18 on page 5 and insert the following:

SEC. 101. ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.

Pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

On page 5, line 19, strike ''SEC. 103.'' and insert ''SEC. 102.''

HELMS AMENDMENTS NOS. 4123–4124

(Ordered to lie on the table.)

Mr. HELMS submitted two amendment intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4123

At the end of the bill, insert the following:

SEC. ___. CODE OF CONDUCT FOR BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups ''should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government.''.

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his ''good friend'' as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as ''not realistic''.

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that ''I am a socialist at heart.''.

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was ''unhappy'' about the ban, but ''as a local business, would respect the authority of local regulators and we will abide by their decisions''.

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its ''Think Different'' ads in Hong Kong, stating at the time that ''where there are political sensitivities, we did not want to offend anyone''.

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with

China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

AMENDMENT NO. 4124

On page 5, between lines 18 and 19, insert the following new section and redesignate the remaining sections and cross references thereto:

SEC. 103. ADDITIONAL CONDITION.

(a) FINDINGS.—Congress makes the following findings:

(1) Permanent normal trade relations treatment would ostensibly be granted to the People's Republic of China in large part to promote political liberalization through free trade and to open the exchange of ideas.

(2) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China jams 242 hours a day of Radio Free Asia and Voice of America programs, which includes 100 hours of Mandarin language transmissions, 34 hours of Tibetan language transmissions, and 3 hours of Uyghur language transmissions.

(3) The Broadcasting Board of Governors testified before the Senate Foreign Relations Committee on April 26, 2000, that the Government of the People's Republic of China spends at least $5,400,000 a year to jam Radio Free Asia and Voice of America Mandarin language programs.

(4) The fact that the Government of the People's Republic of China spends at least as much to jam Radio Free Asia and Voice of America broadcasts as the United States spends to transmit broadcasts to China indicates an intense commitment on the part of the People's Republic of China to block the free flow of ideas and news in China.

(b) ADDITIONAL CERTIFICATION.—Notwithstanding any other provision of this Act, the extension of nondiscriminatory trade treatment (normal trade relations treatment) to the People's Republic of China shall not take effect until the President certifies to Congress that the People's Republic of China is no longer jamming or otherwise interfering with broadcasts of Radio Free Asia or the Voice of America.

HELMS (AND WELLSTONE) AMENDMENT NO. 4125

(Ordered to lie on the table.)

Mr. HELMS (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, H.R. 4444, supra; as follows:

On page 2, line 4, before the end period, insert the following: "**; FINDINGS**".

On page 4, before line 1, insert the following:

(c) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China has not yet ratified the United Nations Covenant on Civil and Political Rights, which it signed in October of 1998.

(2) The 1999 State Department Country Reports on Human Rights Practices found that—

(A) the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in violation of internationally accepted norms;

(B) the Government of the People's Republic of China's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent;

(C) abuses by Chinese authorities exist, including instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrests and detentions, lengthy incommunicado detentions, and denial of due process;

(D) violence against women exists in the People's Republic of China, including coercive family planning practices such as forced abortion and forced sterilization, prostitution, discrimination against women, trafficking in women and children, abuse of children, and discrimination against the disabled and minorities; and

(E) tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July 1999, several leaders of the movement were sentenced to long prison terms in late December, hundreds were sentenced administratively to reeducation through labor, and according to some reports, the Government of the People's Republic of China started confining some Falun Gong adherents to psychiatric hospitals.

(3) The Department of State's 2000 Annual Report on International Religious Freedom states that during 1999 and 2000—

(A) "the Chinese government's respect for religious freedom deteriorated markedly";

(B) the Chinese police closed many "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches";

(C) leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse in the People's Republic of China;

(D) in some areas, Chinese security authorities used threats, demolition of unregistered property, extortion of "fines", interrogation, detention, and at times physical abuse to harass religious figures and followers; and

(E) the Government of the People's Republic of China continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama.

(4) The report of the United States Commission on International Religious Freedom—

(A) found that the Government of the People's Republic of China and the Communist Party of China discriminates, harasses, incarcerates, and tortures people on the basis of their religion and beliefs, and that Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the State;

(B) noted that the Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and among the Tibetan people generally;

(C) documented the tight control exercised over the Uighur Muslims in Xinjiang in northwest China, and cited credible reports of thousands of arbitrary arrests, the widespread use of torture, and extrajudicial executions; and

(D) stated that the Commission believes that Congress should not approve permanent normal trade relations treatment for China until China makes substantial improvements with respect to religious freedom, as measured by certain objective standards.

(5) On March 4, 2000, four days before the President forwarded to Congress legislation to grant permanent normal trade relations treatment to the People's Republic of China, the Government of the People's Republic of China arrested four American citizens for practicing Falun Gong in Beijing.

On page 4, line 22, beginning with "Prior", strike all through page 5, line 6, and insert the following:

Prior to making the determination provided for in subsection (a)(1), the President shall transmit a report to Congress certifying that—

(1) pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999;

(2) the People's Republic of China has ratified the International Covenant on Civil and Political Rights, and that the Covenant has entered into force and effect with respect to the People's Republic of China;

(3) the People's Republic of China has begun to dismantle its system of reeducation through labor, which allows officials of the People's Republic of China to sentence thousands of citizens to labor camps each year without judicial review;

(4) the People's Republic of China has opened up Tibet and Xinjiang to regular, unhindered access by United Nations human rights and humanitarian agencies;

(5) the People's Republic of China has reviewed the sentences of those people it has incarcerated as counterrevolutionaries under the provisions of a law that was repealed in March 1997 and the People's Republic of China intends to release those people;

(6) the People's Republic of China has agreed to establish a high-level and on-going dialogue with the United States on religious freedom;

(7) the People's Republic of China has agreed to permit unhindered access to religious leaders by the United States Commission on International Religious Freedom and recognized international human rights organizations, including access to religious leaders who are imprisoned, detained, or under house arrest;

(8) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest because of religious beliefs or whose whereabouts are not known but who were seen in the custody of officials of the People's Republic of China;

(9) the People's Republic of China intends to release from prison all persons incarcerated because of their religious beliefs;

(10) the People's Republic of China has provided a detailed response to inquiries regarding the number of persons who are imprisoned, detained, or under house arrest for reasons of union organizing; and

(11) the People's Republic of China intends to release from prison all persons incarcerated for organizing independent trade unions.

On page 5, line 10, strike ''section 101(a)'' and insert ''section 101''.

HELMS AMENDMENTS NOS. 4126–4128

(Ordered to lie on the table.)

Mr. HELMS submitted three amendments intended to be proposed by him to the bill, H.R. 4444, supra; as follows:

AMENDMENT NO. 4126

At the end of the bill, insert the following:

SEC. ___. REPORTS BY UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Not later than 1 year after the People's Republic of China accedes to the World Trade Organization, the United States Trade Representative shall submit a report to the appropriate congressional committees regarding the compliance of the People's Republic of China with the concessions made in the bilateral agreement entered into with the United States.

(b) CONTENTS OF THE REPORT.—The report required by subsection (a) shall include the following:

(1) The status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States agricultural products, including priority agricultural products, beef, poultry, cheese, and other commodities.

(2) The status of the People's Republic of China's compliance with its agreement to expand market access for United States corn, cotton, wheat, rice, barley, soybeans, meats, and other agricultural products.

(3) The status of the People's Republic of China's compliance with its agreement to eliminate trade-distorting export subsidies.

(4) The status of the People's Republic of China's compliance with its agreement to give full trading rights to United States businesses, including full right to import, export, own and operate distributions networks inside the People's Republic of China, and the elimination of state-owned middlemen.

(5) The status of the People's Republic of China's compliance with its agreement to open markets for telecommunications, insurance, banking, securities, audio visual, and professional services.

(6) The status of the People's Republic of China's compliance with its agreement to open its markets for foreign investment in information technology.

(7) The status of the People's Republic of China's compliance with its agreement to expand significantly the number of foreign movies shown in the People's Republic of China.

(8) The status of the People's Republic of China's agreement to reduce tariffs on automobiles.

(9) The status and effectiveness of the special safeguard provisions of the United States-China bilateral agreement.

(c) OTHER REPORTS.—In addition to the report required by subsection (a), the United States Trade Representative shall submit to the appropriate congressional committees the following reports.

(1) REPORT DUE IN 2003.—Not later than March 1, 2003, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement to reduce tariffs on United States goods identified in subsection (b) (1), (2), and (8) and other United States priority goods.

(2) REPORT DUE IN 2005.—Not later than March 1, 2005, the United States Trade Representative shall report on the status of the People's Republic of China's compliance with its agreement—

(A) to reduce average overall tariffs on United States industrial goods from 24.6 percent to 9.4 percent or less; and

(B) to eliminate tariffs on United States high-technology goods.

(d) NEGATIVE DETERMINATIONS.—

(1) IN GENERAL.—If the United States Trade Representative in any of the reports described in subsection (c) (1) or (2) finds that the People's Republic of China is not complying with its commitments to reduce or eliminate the tariffs described in such subsection (c), and a joint resolution described in paragraph (2) is enacted into law pursuant to the provisions of paragraph (3), the President shall suspend, withdraw, or prevent the application of benefits of the bilateral trade agreement between the United States and the People's Republic of China including the extension of nondiscriminatory treatment (normal trade relations treatment) and may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate.

(2) JOINT RESOLUTION DESCRIBED.—For purposes of paragraph (1), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: ''That the Congress finds that the People's Republic of China has failed to comply with its commitments to reduce or eliminate tariffs and the Congress withdraws its approval of the extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China and the President may impose duties or other import restrictions on the goods of, and, notwithstanding any other provision of law, fees or restrictions on the services of, the People's Republic of China for such time as the President determines appropriate.''.

(3) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted in accordance with this subsection, and Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives a negative report from the United States Trade Representative pursuant to subsection (c) (1) or (2).

(B) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this paragraph are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(C) INTRODUCTION.—

(i) TIME.—A joint resolution to which this subsection applies may be introduced at any time on or after the date on which the United States Trade Representative transmits to Congress a negative report pursuant to subsection (c) (1) or (2), and before the end of the 90-day period referred to in subparagraph (A).

(ii) ANY MEMBER MAY INTRODUCE.—A joint resolution described in paragraph (2) may be introduced in either House of Congress by any Member of such House.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on International Relations and the Committee on Ways and Means of the House of Representatives.

AMENDMENT NO. 4127

At the end of the bill, insert the following:

SEC. 702. REPORTING REQUIREMENTS REGARDING AGRICULTURAL TRADE DEFICIT WITH CHINA.

(a) IN GENERAL.—The United States-China bilateral agreement on agriculture is designed to substantially lower tariffs, eliminate export subsidies, end discriminatory licensing and import bans, and eliminate unjustified restrictions on agricultural products. The reports described in subsection (b) shall be submitted to Congress in order to evaluate the progress being made in carrying out the agreement.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall report to Congress on the existing United States agricultural trade deficit with the People's Republic of China.

(2) SUBSEQUENT REPORT.—Not later than 3 years after the report described in the paragraph (1), the United States Trade Representative shall report to Congress regarding the size and status of the agricultural trade deficit with the People's Republic of China and whether the People's Republic of China has taken steps to eliminate all barriers to trade in the agricultural sector.

(c) SENSE OF CONGRESS.—If the report described in subsection (b)(2) indicates that 3 years after the date nondiscriminatory treatment is permanently extended to the People's Republic of China, the agricultural trade deficit has not been reduced to one-third or less of the deficit reported under subsection (b)(1), it is the sense of Congress that the extension of nondiscriminatory trade treatment has not produced adequate benefits for United States farmers and the People's Republic of China is manifestly not implementing its bilateral agreement with the United States.

AMENDMENT NO. 4128

At the end of the bill, insert the following:

SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of

forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4129

Mr. SMITH of New Hampshire proposed an amendment to the bill, H.R. 4444, supra; as follows:

DIVISION I

On page 46, between lines 3 and 4, insert the following:

SEC. 302A. MONITORING COOPERATION ON POW/MIA ISSUES.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in accounting for United States personnel who are unaccounted for as a result of service in Asia during the Korean War, the Vietnam era, or the Cold War, including, but not limited to—

(1) providing access by Commission members and other representatives of the United States Government to reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, and to archives, museums, and other holdings of the People's Republic of China, that are believed by the Commission to contain documents and other materials relevant to the accounting for such personnel; and

(2) providing access by Commission members and other representatives of the United States Government to military and civilian officials of the Government of the People's Republic of China, and facilitating access to private individuals in the People's Republic of China, who are determined by the Commission potentially to have information regarding the fate of such personnel.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include the following:

(1) An assessment of the contribution to the accounting for missing United States personnel covered by subsection (a) of the information obtained by the Commission and other United States Government agencies under that subsection during the period covered by the report.

(2) A description and assessment of the cooperation of the People's Republic of China in accounting for United States personnel covered by subsection (a) during the period covered by the report.

(3) A list of the archives, museums, and holdings in the People's Republic of China, and of the reported sites of prisoner of war camps of the Korean War era in the People's Republic of China, proposed to be visited by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

(4) A list of the military and civilian officials of the Government of the People's Republic of China, and of the private individuals in the People's Republic of China, proposed to be interviewed by the Commission, and by other representatives of the United States Government, during the 12-month period beginning on the date of the report.

DIVISION II

SEC. 302B. MONITORING AND REPORTING ON COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PEOPLE'S LIBERATION ARMY COMPANIES.

(a) MONITORING OF COMMERCIAL ACTIVITIES BETWEEN UNITED STATES COMPANIES AND PLA COMPANIES.—

(1) REQUIREMENT.—Beginning not later than 90 days after the date of enactment of this Act, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall provide for the on-going monitoring of commercial activities, whether direct or indirect, between People's Liberation Army companies and United States companies.

(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—

(A) IN GENERAL.—The monitoring required under paragraph (1) shall be carried out using the information, services, and assistance of any department or agency of the Federal Government, whether civilian or military, that the Director considers appropriate, including the Defense Intelligence Agency, the Central Intelligence Agency, and the United States Customs Service.

(B) COOPERATION.—The head of any department or agency of the Federal Government shall, upon request of the Director, provide the Federal Bureau of Investigation with such information, services, and other assistance in the monitoring required under paragraph (1) as the Director and the head of such department or agency jointly consider appropriate.

(b) ANNUAL REPORTS ON MONITORING.—

(1) REQUIREMENT.—Not later than six months after the date of enactment of this Act, and annually thereafter, the Commission, in cooperation with the Director of the Federal Bureau of Investigation, shall submit to Congress a report on the results of the monitoring activities carried out under subsection (a) during the one-year period ending on the date of the report.

(2) REPORT ELEMENTS.—Each report under this subsection shall set forth, for the one-year period covered by such report, the following:

(A) Information on the People's Liberation Army companies engaged in commercial activities with United States companies during such period, including—

(i) a list setting forth each People's Liberation Army company conducting business in the United States;

(ii) a list setting forth all People's Liberation Army products sold by United States companies to other United States companies or United States nationals;

(iii) a statement of the profits realized by the People's Liberation Army from the sale of products set forth in clause (ii) and on products sold directly to United States companies and United States nationals; and

(iv) a statement of the dollar amount spent for the purchase of the products covered by clause (iii).

(B) An assessment of the consequences for United States national security of the sale of People's Liberation Army products to United States companies and United States nationals, including—

(i) an assessment of the relationships between People's Liberation Army companies and United States companies;

(ii) an assessment of the use of the profits of such sales by the People's Liberation Army; and

(iii) a description and assessment of any technology transfers between United States companies and People's Liberation Army companies.

(3) FORM OF REPORT.—Each report under this subsection shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) PEOPLE'S LIBERATION ARMY COMPANY.—The term ''People's Liberation Army company'' means any commercial person or entity that is owned by, associated with, or an auxiliary to the People's Liberation Army, including any armed force of the People's Liberation Army, any intelligence service of the People's Republic of China, or the People's Armed Police.

(2) ORGANIZED UNDER THE LAWS OF THE UNITED STATES.—The term ''organized under the laws of the United States'' means organized under the laws of the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(3) UNITED STATES COMPANY.—The term ''United States company'' means a corporation, partnership, or other business association organized under the laws of the United States.

DIVISION III

SEC. 302C. MONITORING AND REPORTING ON DEVELOPMENT OF SPACE CAPABILITIES.

(a) IN GENERAL.—The Commission shall, with the support of other United States Government agencies, monitor the development of military space capabilities in the People's Republic of China, including—

(1) the extent to which the membership of the People's Republic of China in the World Trade Organization facilitates its acquisition of space and space-applicable technologies;

(2) the extent to which commercial space revenues in the People's Republic of China support and enhance space activities in the People's Republic of China;

(3) the extent to which Federal subsidies for United States companies doing business in the People's Republic of China enhances space activities in the People's Republic of China;

(4) the extent to which the People's Republic of China proliferates space technology to other Nations; and

(5) the extent to which both manned and unmanned space activities in the People's Republic of China—

(A) support land, sea, and air forces of the People's Republic of China;

(B) threaten the United States and its allies' land, sea, and air forces and

(C) threaten the United States and its allies' military, civil, and commercial space assets.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall include specific information on the nature of the technologies and programs relating to military space development by the Peoples Republic of China described in subsection (a). The report may contain separate classified annexes if necessary.

DIVISION IV

SEC. 302D. MONITORING AND REPORTING ON COOPERATION ON ENVIRONMENTAL PROTECTION.

(a) IN GENERAL.—The Commission shall monitor and encourage the cooperation of the People's Republic of China in—

(1) the implementation and enforcement of laws for the protection of human health and the protection, restoration, and preservation of the environment that are at least as comprehensive and effective as comparable laws of the United States, including—

(A) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(B) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(E) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(F) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(G) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(H) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(J) the Clean Air Act (42 U.S.C. 7401 et seq.);

(K) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(L) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

(M) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.); and

(2) the allocation, for assisting and ensuring compliance with the laws specified in paragraph (1), of sufficient resources, including funds, to achieve material and measurable progress on a permanent basis in the protection of human health and the protection, restoration, and preservation of the environment.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include, for the period for which the report is submitted, a description of the results of the monitoring required under subsection (a), including an analysis of any progress of the People's Republic of China in implementing and enforcing environmental laws as described in that subsection.

DIVISION V

SEC. 302F. MONITORING AND REPORTING ON CONDITIONS RELATING TO ORPHANS AND ORPHANAGES.

(a) MONITORING.—The Commission shall monitor the actions of the People's Republic of China, and particularly the Ministry of Civil Affairs, to determine if the People's Republic of China has demonstrated that—

(1) the quality of care of orphans in the People's Republic of China has improved by providing specific data such as survival rates of orphans and the ratio of workers-to-orphans in orphanages;

(2) orphans are receiving proper medical care and nutrition;

(3) there is increased accountability of how public and private funds are spent with respect to the care of orphans;

(4) international adoption and Chinese adoptions are being encouraged; and

(5) efforts are being made to help children (and particularly children with special needs) get adopted.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to improving the quality of care of orphans and encouraging international and Chinese adoptions.

DIVISION VI

SEC. 302H. MONITORING AND REPORTING ON ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) MONITORING.—The Commission shall monitor the actions of the Government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

(b) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under section 302(g) shall also include a description of the results of the monitoring required under subsection (a), including what actions have been taken by the People's Republic of China with respect to eliminating the practice of harvesting and transplanting organs for profit.

KING AND TSIORVAS PIPELINE SAFETY IMPROVEMENT ACT OF 2000

MCCAIN (AND OTHERS) AMENDMENT NO. 4130

Mr. GORTON (for Mr. MCCAIN (for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, Mr. DOMENICI, and Mr. ROBB)) proposed an amendment to the bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; as follows:

On page 18, strike lines 22 through 25 and insert the following:

''(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;''.

On page 19, line 2, strike ''inspection or testing done'' and insert ''periodic assessment methods carried out''.

On page 19, line 4, insert ''and'' after the semicolon.

On page 19, line 8, strike ''measures; and'' and insert ''measures.''.

On page 19, strike lines 9 through 13.

On page 19, beginning in line 15, strike ''inspections or testing'' and insert ''assessment methods carried out''.

On page 21, line 2, strike the closing quotation marks and the second period.

On page 21, between lines 2 and 3, insert the following:

''(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

''(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

''(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

''(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

''(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

''(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.''.

On page 21, line 14, strike ''of'' the first place it appears and insert ''or''.

On page 21, line 17, insert ''and'' after the semicolon.

On page 21, line 19, strike ''hazardous;' and'' and insert ''hazardous,'.''

On page 21, beginning with line 20, strike through line 13 on page 22.

On page 24, line 16, strike ''any'' and insert ''the operator's''.

On page 24, line 23, insert a comma after ''facility''.

On page 27, between lines 3 and 4, insert the following:

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders.''.

On page 27, line 4, strike ''(b)'' and insert ''(c)''.

On page 30, line 8, after the period insert: ''Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.''.

On page 31, strike lines 7 through 13 and insert the following:

''(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

''(A) the State Authority fails to comply with the terms of the agreement;

''(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

''(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.''.

On page 32, line 10, strike ''is not promoting'' and insert ''would not promote''.

On page 32, beginning with line 22, strike through line 4 on page 34.

On page 36, beginning with line 12, strike through line 9 on page 37 and insert the following:

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY, RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan

under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

On page 37, line 10, strike ''**SEC. 12.**'' and insert ''**SEC. 13.**''.

On page 38, between lines 21 and 22, insert the following:

(d) PIPELINE INTEGRITY PROGRAM.—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

On page 38, line 22, strike ''**SEC. 13.**'' and insert ''**SEC. 14.**''.

On page 39, strike lines 6 through 14 and insert the following:

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting ''(1)'' after ''CORRECTIVE ACTION ORDERS.—''; and

(2) by adding at the end the following:

''(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

''(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

''(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

''(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.''.

On page 39, line 15, strike ''**SEC. 14.**'' and insert ''**SEC. 15.**''.

On page 49, beginning with line 4, strike through line 16 on page 52 and insert the following:

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

On page 52, line 17, strike ''**SEC. 16.**'' and insert ''**SEC. 17.**''.

On page 53, line 5, strike ''**SEC. 17.**'' and insert ''**SEC. 18.**''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Friday, September 15, 2000 at 10:00 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on Federal agency preparedness for the Summer 2000 wildfires.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:00 a.m. to conduct a business meeting to consider S. 2962, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 7, 2000 to mark up a reconciliation bill on the subject of retirement security.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 9:30 am to hold a hearing.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, September 7, 2000, at 10:00 a.m. for a hearing on the E-Commerce Activities of the United States Postal Service.

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

PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I ask unanimous consent that David Dorman, a fellow in my office, be granted floor privileges during the course of today's proceedings.

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

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			3,994.00		165.00				4,159.00

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Duhnke			3,016.00		165.00				3,181.00
Kathy Casey			3,644.00		2,355.00				5,999.00
Andrea Andrews			3,994.00						3,994.00
Total			14,648.00		2,685.00				17,333.00

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby			2,933.00		4,557.90				7,490.90
Peter Dorn			2,930.00		5,352.00				8,282.00
Senator Richard Shelby			3,419.00						3,419.00
Senator Richard Bryan			2,928.00						2,928.00
Alfred Cumming			2,619.00						2,619.00
Senator Frank Lautenberg			504.00		2,073.80				2,577.80
Vicki Divoll			485.00		1,827.80				2,312.80
Anne Caldwell			2,919.00						2,919.00
William Duhnke			2,582.00						2,582.00
Total			21,319.00		13,811.50				35,130.50

RICHARD SHELBY,
Chairman, Committee on Intelligence, July 24, 2000.

ADDENDUM TO FIRST QUARTER OF 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jay Kimmitt:									
Bosnia	Dollar		351.00						351.00
Croatia	Dollar		274.00						274.00
Macedonia	Dollar		225.00						225.00
Turkey	Dollar		1,138.00						1,138.00
Italy	Dollar		945.00						945.00
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ukraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Senator Kay Bailey Hutchison:									
Croatia	Dollar		207.00				557.00		764.00
Dave Davis:									
Croatia	Dollar		207.00				557.00		764.00
Larry DiRita:									
Croatia	Dollar		207.00				557.00		764.00
Senator Daniel K. Inouye:									
Israel	Dollar		578.00						578.00
Tim Rieser:									
United States	Dollar				2,505.23				2,505.23
Singapore	Dollar		168.00						168.00
Cambodia	Dollar		710.40						710.40
Hong Kong	Dollar		180.00						180.00
Kevin Linskey:									
Turkey	Lire		634.00		3,774.80				4,408.80
Lila Helms:									
Turkey	Lire		634.00		3,774.80				4,408.80
John Young:									
Russia	Dollar		1,350.00						1,350.00
Ikraine	Dollar		763.00						763.00
Turkey	Dollar		918.00						918.00
Bulgaria	Dollar		388.00						388.00
Total			13,296.40		10,054.83		1,671.00		24,896.23

TED STEVENS,
Chairman, Committee on Appropriations, July 25, 2000.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 763, S. 2438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read, as follows:

A bill (S. 2438) to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety Improvement Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) QUALIFICATION PLAN.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) DUE DATE.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

''(c) INTEGRITY MANAGEMENT.—

''(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

''(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

''(A) internal inspection or pressure testing, or another equally protective method, where these techniques are not feasible, that periodically assesses the integrity of the pipeline;

''(B) clearly defined criteria for evaluating the results of the inspection or testing done under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner;

''(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures; and

''(D) a description of the operators' consultation with State and local officials during development of the integrity management plan and actions taken by the operator to address safety concerns raised by such officials.

''(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding how frequently the integrity inspections or testing under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

''(4) STATE ROLE.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

''(5) MONITORING IMPLEMENTATION.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.''.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is, or would be, constructed or operated, of a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.'';

(2) by striking ''is hazardous,'' in subsection (d) and inserting ''is, or would be, hazardous'; and

(3) by adding at the end thereof the following:

''(f) SHUTDOWN AUTHORITY.—

''(1) IN GENERAL.—If the Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, determines that allowing the continued operation of a hazardous liquid or natural gas pipeline creates an imminent hazard (as defined in section 5102(5)), the Secretary or the agency shall take such action as may be necessary to prevent or restrict the operation of that system for 30 days.

''(2) SUBSEQUENT EXTENSION AFTER NOTICE AND HEARING.—After taking action under paragraph (1), the Secretary or the agency may extend the period that action is in effect if the Secretary or the agency determines, after notice and an opportunity for a hearing, that allowing the operation of the pipeline to resume would create an imminent hazard (as defined in section 5102).''.

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

''§ 60116. Public education, emergency preparedness, and community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the

use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

''(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

''(b) EMERGENCY PREPAREDNESS.—

''(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

''(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), any program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

''(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

''(B) a description of the facility including pipe diameter, the product or products carried, and the operating pressure;

''(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

''(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

''(E) a point of contact to respond to questions from emergency response representative.

''(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

''(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

''(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

''(1) make available to the public—

''(A) a safety-related condition report filed by an operator under section 60102(h);

''(B) a report of a pipeline incident filed by an operator;

''(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

''(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

''(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Public education, emergency preparedness, community right to know''.

SEC. 8. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and inserting ''$500,000'';

(2) by striking ''$500,000'' in subsection (a)(1) and inserting ''$1,000,000'';

(3) by adding at the end of subsection (a)(1) the following: ''The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121.''; and

(4) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking ''GENERAL AUTHORITY.—'' in subsection (a) and inserting ''AGREEMENTS WITHOUT CERTIFICATION.—'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

''(b) AGREEMENTS WITH CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties.

''(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

''(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

''(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

''(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

''(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

''(3) EXISTING AGREEMENTS.—Except as provided in subsection (e), an agreement between the Secretary and a State authority that is in effect on the date of enactment of the Pipeline Safety Improvement Act of 2000 shall remain in effect until the Secretary determines that the State meets the requirements for a determination under paragraph (2).''.

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

''(e) ENDING AGREEMENTS.—

''(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

''(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

''(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation is not promoting pipeline safety.

''(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.''.

(c) CONTINUATION OF INTERSTATE AGENT AGREEMENT AUTHORITY.—

(1) IN GENERAL.—If an agreement was in effect in 1999 between the Secretary of Transportation or one of its agencies and a State to permit that State to oversee interstate pipeline transportation, the Secretary shall continue to permit that State to carry out activities under the agreement, including inspection responsibilities and other actions to ensure compliance with Federal pipeline safety regulations.

(2) TERMINATION.—Notwithstanding paragraph (1), the Secretary may terminate an agreement described in that paragraph if—

(A) the State wishes to withdraw from the agreement;

(B) implementation of the agreement has resulted in gaps in the oversight responsibilities of intrastate pipeline transportation by the State; or

(C) the State's oversight actions under the agreement have had an adverse impact on pipeline safety or impeded interstate commerce.

(3) PROCEDURAL REQUIREMENTS FOR TERMINATION.—Before terminating an agreement described in paragraph (1), the Secretary shall give notice and an opportunity for a hearing to the State, and provide an opportunity for the State to correct any deficiencies. The Secretary shall publish the decision to terminate such an agreement and the reasons therefore in the Federal Register not less than 15 days before the termination is effective, unless the Secretary finds that continuation of an agreement poses an imminent hazard.

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request.''; and

(4) indenting the first word of the last sentence and inserting ''(4)'' before ''The Secretary'' in that sentence.

(c) PENALTY AUTHORITIES.—

(1) Section 60122(a) is amended by striking ''60114(c)'' and inserting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c),'' and inserting ''60117(b)(3),''.

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

''(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 11. INNOVATIVE TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(1) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(2) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(3) to develop innovative techniques measuring the structural integrity of pipelines;

(4) to improve the capability, reliability, and practicality of external leak detection devices; and

(5) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(b) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

''(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

''(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

''(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(c) OIL SPILLS.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

''(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.''.

SEC. 13. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) HAZARDOUS FACILITY DESIGNATION.—A facility operated by an operator that fails to take prompt action to relieve, reassign, or place on leave (with or without compensation) any employee whose duties affect public safety and whose performance of those duties is a subject of such an accident investigation until the conclusion of the investigation is deemed to be hazardous under section 60112. The Secretary shall take action under section 60112(d) against that facility.

SEC. 14. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60129. Protection of employees providing pipeline safety information

''(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator

of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.''.

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

''(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

''60129. Protection of employees providing pipeline safety information.''.

SEC. 15. PIPELINE SAFETY ADVISORY COUNCIL PILOT PROGRAM.

(a) PILOT PROGRAM.—Within 120 days after the date of enactment of this Act, the Secretary of Transportation shall create a Pipeline Safety Advisory Council pilot program. Under the pilot program, the Secretary shall establish one or more Pipeline Safety Advisory Councils to provide advice and recommendations to the Secretary on a range of hazardous liquid or natural gas transmission pipeline safety issues affecting pipelines operated in the State in which the Council is established.

(b) ESTABLISHMENT AND COMPOSITION.—A Council shall be comprised of 11 members, appointed by the Secretary as follows:

(1) All members shall be residents of the State in which the pipelines are located the safety of which that Council is to review and monitor.

(2) The membership shall include representatives of—

(A) the general public (who are not representatives of any other category under this paragraph);

(B) pipeline right-of-way property owners (who are not representatives of any other category under this paragraph);

(C) local governments;

(D) emergency responders;

(E) environmental organizations; and

(F) State officials with jurisdiction over pipeline safety.

(c) FUNCTIONS.—Each Advisory Council shall provide advice to the Secretary on pipeline safety regulations and other matters relating to activities and functions of the Department of Transportation's Office of Pipeline Safety. Each meeting shall be open to the public and the Council shall maintain minutes of each meeting. Any recommendations made by a Council shall be available upon request to other interested parties. In carrying out its advisory duties, each Council shall—

(1) provide advice and recommendations on policies, permits, and regulations relating to the operation and maintenance of pipeline facilities which affect the State to the Secretary and the Governor of the State;

(2) review and comment on proposals for new pipeline facilities in the State, including issues of public safety and environmental impact;

(3) submit advice to the Secretary on permits and standards that would affect the environment and safety of a pipeline operating in that State;

(4) submit recommendations to the Secretary and appropriate authorities of the State on standards to improve pipeline safety, accidental

release responses, emergency preparedness, and efforts to help the public live safely with pipelines; and

(5) provide an annual report to the Secretary on its activities and the steps taken in the State to address its advice and safety recommendations.

(d) FUNDING.—

(1) FUNDING REQUEST BY COUNCIL.—Each Council shall submit an application for a funding request to the Secretary, at such time, in such form, and containing such information as the Secretary may require, outlining the Council's budget.

(2) SECRETARY TO APPROVE BUDGET AND PROVIDE FUNDS.—After receiving a request under paragraph (1) from a Council, the Secretary shall determine the level of Council funding and may—

(A) utilize funds obtained from fines and penalties to finance the Council; or

(B) make appropriated funds available to the Council.

(e) PILOT PROGRAM ASSESSMENT.—A Council established under this section shall submit an annual report to the Secretary. The annual report shall list all activities undertaken by the Council to improve the safety of pipelines located within its State and what action taken was by the State and Department of Transportation to address pipeline operation safety as a result of the Council's activities. Based on the submitted annual reports, and any other material a Council may submit, the Secretary shall determine the need for continuing and, if appropriate, expanding the pilot program. The Secretary shall report that determination, together with any recommendations concerning the program, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation by December 31, 2004.

SEC. 16. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 17. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

Mr. MCCAIN. Mr. President, today the Senate is considering S. 2438, the Pipeline Safety Improvement Act of 2000. This legislation is the product of many months of work by the members of the Senate Committee on Commerce, Science, and Transportation, as well as other members of the Senate. Sadly, this legislation is in large part in response to two devastating pipeline accidents that have occurred in the States of Washington and New Mexico during the past 15 months.

A total of 15 lives have been lost in these most recent accidents. Three young men endured fatal injuries last June 1999 in Bellingham, Washington, when 227,000 gallons of gasoline leaked from an underground pipeline and were accidentally ignited. Last month, twelve members of two families camping in Carlsbad, New Mexico, lost their lives when a natural gas transmission line ruptured. We simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in more needless deaths. I ask unanimous consent a recent editorial from the Washington Post calling for Congressional action be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. MCCAIN. Mr. President, it is my hope that passage of comprehensive pipeline safety legislation can give the family members associated with these tragedies at least a small bit of comfort that their losses have spurred Congressional action to strengthen pipeline safety laws and help prevent future tragic accidents. I am aware this bill may not go as far as some would like, and also know it goes further than others can support. However, this legislation is a fair and balanced compromise and is a pro-safety measure that will result in pipeline safety improvements. Its enactment is critical to public safety and must be a top priority during the remainder of this Congress.

I extend my sincere appreciation to Senator GORTON for his help in developing the bill before us. His tireless efforts to ensuring that the Senate consider and pass comprehensive pipeline safety legislation is commendable. I also want to thank Senators HOLLINGS, LOTT, HUTCHISON, BREAUX, and BROWNBACK of the Committee for their strong interest in this legislation. Further, I want to recognize the dedication and hard work of Senator MURRAY throughout this process. She has been a tenacious advocate for pipeline safety improvements. I also want to recognize Senator BINGAMAN for his contributions to strengthening the research and development provisions of this legislation, and also Senator DOMENICI for his work. Finally, the input we received from citizens, State pipeline inspectors, the National Transportation Safety Board, the Department of Transportation and its Inspector General, industry and others interested in promoting pipeline safety has been essential to our efforts to craft comprehensive pipeline safety improvement legislation.

Significant attention has been directed toward pipeline safety issues by the Senate during this past year. In March, the Senate Commerce Committee held a field hearing, chaired by Senator GORTON, in Bellingham, Washington, during which 18 witnesses provided information and expressed views on the Bellingham accident. In May, the full committee held a hearing on a broad range of pipeline safety issues, including the three pipeline safety bills that have been introduced in the Senate. We reported out a comprehensive bill in June and since then have developed a manager's amendment to provide further clarification of the bill as well as additional provisions to advance pipeline safety.

I will highlight some of the major provisions of the legislation before us. The bill would require the implementation of pipeline safety recommendations recently issued by the DOT-IG to the Research and Special Programs Administration, RSPA. The legislation would statutorily require the Secretary of Transportation, the RSPA Administrator and the Director of the Office of Pipeline Safety to respond to NTSB pipeline safety recommendations within 90 days of receipt. The bill would require pipeline operators to submit to the Secretary of Transportation a plan designed to improve the qualifications for pipeline personnel. At a minimum, the qualification plan would have to demonstrate that pipeline employees have the necessary knowledge to safely and properly perform their assigned duties and would require testing and periodic reexamination of the employees' qualifications.

The legislation would require DOT to issue regulations mandating pipeline operators to periodically determine the adequacy of their pipelines to safely operate and to adopt and implement integrity management programs to reduce those identified risks. The regulations would, at a minimum, require operators to: base their integrity management plans on risk assessments that they conduct; periodically assess the integrity of their pipelines; and, take steps to prevent and mitigate unintended releases, such as improving leak detection capabilities or installing restrictive flow devices.

S. 2438 also would require an operator of a gas transmission or hazardous liquid pipeline facility to carry out a continuing public education program that would include activities to advise municipalities, school districts, businesses, and residents of pipeline facility locations on a variety of pipeline safety-related matters. It would also direct pipeline operators to initiate and maintain communication with State emergency response commissions and local emergency planning committees and to share with these entities information critical to addressing pipeline safety issues, including information on the types of product transported and efforts by the operator to mitigate safety risks. The Secretary

would be directed to prescribe regulations to make certain emergency information publicly available as well as direct operators to provide mapping information to municipalities in which the pipeline facility is located.

The bill would increase the level of maximum civil penalties for violations as requested in the Administration's submission. It would also provide for an enhanced state oversight role in pipeline safety whereby States that have authority over intrastate lines could enter into agreements with the Secretary to participate in the oversight of interstate lines. The manager's amendment clarifies that the state oversight be consistent with the Secretary's federal safety and inspection policies. The legislation further includes language to ensure that the enhanced agreements will not adversely affect the State's responsibilities over intrastate safety and, in the event there is a negative impact, the Secretary is authorized to cancel the enhanced state agreements.

The legislation directs the Secretary to develop and implement a comprehensive plan for the collection and use of pipeline data in a manner that would enable incident trend analysis and evaluations of operator performance. Operators would be required to report incident releases greater than five gallons, compared to the current reporting requirement of 42 gallons. In addition, the Secretary is directed to establish a national depository of data to be administered by the Bureau of Transportation Statistics in cooperation with RSPA.

Given the critical importance of technology applications in promoting transportation safety across all modes of transportation, the legislation directs the Secretary to include as part of the Department's research and development (R&D) efforts a focus on technologies to improve pipeline safety, such as through internal inspection devices and leak detection. Further, the accompanying amendment includes provisions from S. 3002, the Pipeline Integrity, Safety and Reliability Research and Development Act of 2000, introduced by Senator BINGAMAN, myself, and others earlier this week. This provision provides for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences.

In regard to funding for pipeline safety, the bill provides for a three year authorization, authorizing $26 million for FY2001, $30 million for FY2002; and $30 million in FY2003 for federal pipeline safety activities. It would further authorize the pipeline state grant program at the following levels: $17 million for FY2001; $20 million for FY2002; and $20 million for FY2003. Efforts to provide further increases in funding are under discussion and will be given careful consideration as the legislation moves through the legislative process and on to a conference with the House.

In an effort to enhance the ability of the NTSB and DOT to complete pipeline accident investigations in a timely and comprehensive manner, the substitute amendment includes a provision requiring operators to make available to the DOT or NTSB all records and information pertaining to the accident, including integrity management plans and test results, and to assist in the investigation to the extent reasonable.

Further, the legislation attempts to address the situation when pipeline personnel involved in accidents continue to carry out the same functions as they did prior to an accident even though their job performance may be at question during an investigation. Under the manager's amendment, if the Secretary determines that the actions of an employee may have contributed substantially to the cause of an accident, the Secretary must direct the operator to relieve or reassign the employee, or place the employee on leave until the Secretary determines that the employee's performance did not contribute to the cause of the accident or until the Secretary determines the employee can safely perform his or her duties.

To ensure pipeline employees are afforded the same whistle-blower protections as are provided to employees in other modes, the legislation includes whistle-blower protections for pipeline personnel. The provisions are identical to those recently enacted in the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century, P.L. 106–181, with the exception of changing the words air carrier to pipeline.

Mr. President, the time has come for the full Senate to take action and pass legislation to strengthen and improve pipeline safety. We simple cannot risk the loss of any more lives by lack of needed attention on our part. I urge my colleagues to support passage of this important safety legislation.

EXHIBIT 1

[From the Washington Post, Sept. 4, 2000]

A BLAST IN THE NIGHT

Residents of Carlsbad, N.M., are mourning the 11 family members killed when a natural gas pipeline exploded near their campsite in New Mexico, Investigators still are trying to determine exactly what caused the blast. While they work, there is a job to be done here as well: Put more muscle into federal regulation of pipeline safety.

Nearly all the nation's natural gas and about 65 percent of crude and refined oil travel through a network of nearly 2.2 million miles of pipes. Although pipelines remain statistically safer—in some cases much safer—than other means of transporting freight, the number of accidents reported has been gradually growing during the past decade, according to a General Accounting Office report prepared this spring. In many places the infrastructure is aging; sprawling development now encroaches on many of the remote rural areas where pipes were installed decades ago. The federal agency charged with policing the pipelines is tiny, underfunded and possessed of a record that is not reassuring. The GAO found that the Office of Pipeline Safety is years behind in implementing some congressional mandates and safety recommendations from the National Transportation Safety Board. Things have improved in the last year but the NTSB, the GAO report says, still is watching to see whether promised actions will be carried out.

Bills are now pending in Congress that would address at least some safety issues. Most important, legislation would require periodic pipeline inspections. The NTSB has been asking for that since 1987, and it hasn't happened yet. The bills also would provide more information for the public, would give state inspectors a bigger role in helping monitor interstate pipelines and would require more rigorous reporting of pipeline spills, which could help identify possible trouble spots and help mitigate environmental damage. Congress should pass a strong pipeline-safety bill before this session ends. Along with it should come adequate funding to carry out its mandates. And then members should keep the heat on until it is clear the safety measures have been carried out. There's no need to wait for another blast in the night.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 2438, the Pipeline Safety Improvement Act of 2000, and to support the amendment to the bill. I urge my fellow Senators to adopt the amendment and to support passage of this bill. It, indeed, will make our Nation's pipeline system safer.

The purpose of the bill is to ensure the safety of natural gas and hazardous liquid pipelines. I appreciate the considerable number of hours that went into creating this bill by all of the parties. I also am satisfied by the spirit of compromise that infused the parties' diligent efforts. As a result of their admirable and cooperative work we have a bill that reaffirms our efforts to regulate gas and hazardous liquid pipelines safely and effectively without interfering with the pipeline operators and owners ability to provide service to our Nation.

With respect to concerns regarding the existing pipeline safety program, I want to share my concerns about the delays in issuing Congressional mandates. Some may find it hard to believe that the Office of Pipeline Safety, OPS, has failed to issue final rules on measures that required rulemakings under its 1992 and 1996 reauthorizations. Unquestionably, the rules on environmentally sensitive and high density areas should have been completed by now. I have been advised that a final rule is expected this year. But even if this is the case, the fact remains that the final promulgation is still significantly behind schedule. The rules on operator qualification and periodic inspections are not final either. One of the goals of this legislation is to stimulate the finalization of these rules.

Over the past few years, we have experienced two major pipeline accidents,

one in Bellingham, WA, and the other near Carlsbad, NM. While accidents happen, we need to take all necessary steps to ensure that accidents are not waiting to happen. I think that this legislation will increase the arsenal of tools available to OPS to ensure that our pipeline system is as safe as possible. I ask that OPS use the tools that we provide to ensure the aggressive oversight of pipeline safety practices.

While there were many who worked arduously to ensure passage of legislation in this area, I would like to recognize, in particular, the efforts of Senators MURRAY and BINGAMAN. Senator MURRAY doggedly pursued changes to increase the level of safety and public participation in pipeline safety, and she worked closely with other Commerce Committee members to ensure a reasonable and fair compromise. Senator BINGAMAN was instrumental in helping bolster the bills provisions on research and development. We also were able to add provisions he authored to focus our research on progressive areas that will help us develop better systems of early detection, and to ensure that we can avoid accidents such as those that occurred in Bellingham, WA, and near Carlsbad, NM.

This bill is good legislation. It will require our regulators to finalize a number of overdue regulations. The bill also allows for a greater degree of public participation in the process of pipeline safety, updates the penalties that would be levied for misconduct and provides whistle blower protection for employees who reveal misconduct. The bill also helps us focus on long-term needs so as to make our future pipeline system even safer. I urge my colleagues to support this measure.

AMENDMENT NO. 4130

(Purpose: To incorporate additional provisions in, and make minor modifications to, the bill as reported by the committee)

Mr. GORTON. Mr. President, there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. MCCAIN, for himself, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 4130.

Mr. GORTON. 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DOMENICI. Mr. President, I am pleased to support the managers' amendment to S. 2438, the bill before the Senate, to modernize our Nation's pipeline safety programs. The issue of our country's pipeline safety regime came to the forefront again last year after the death of three teenagers in a pipeline explosion near Bellingham, WA.

Since that accident in 1999, the Senators from Washington State have worked tirelessly to bring this bill to the Senate floor for a vote. I want to commend Senator GORTON, Senator MURRAY, and the chairman of the Commerce Committee, Senator MCCAIN, for their efforts on this legislation. Without their work, patience and persistence, this bill would not be ready for passage in the Senate.

As my colleagues know, in August of this year, New Mexico experienced its own tragic pipeline explosion. Just after midnight on August 19, an El Paso Natural Gas pipeline exploded on the Pecos River near Carlsbad, NM. Twelve members of an extended family were camping near the explosion, which sent a 350-foot high ball of flame into the air. Six of the campers were killed instantly, and the remaining six have since died from their injuries. The horrific accident is the largest pipeline disaster in the State's history and one of the worst in the United States. While the NTSB is still investigating the cause of the explosion, preliminary analyses indicate that the pipeline was highly corroded, and that half of the internal wall of the pipe had been eaten away in places, apparently causing a prolonged natural gas leak.

Sadly, this accident has again placed the spotlight on the need for Congress to update our pipeline safety standards. The bill before the Senate represents a marked improvement in our existing pipeline safety program. The bill requires companies to conduct periodic internal inspections of their lines; authorizes and provides resources to allow the States to exercise a greater role in pipeline inspections and oversight; increases civil penalties against companies who violate pipeline safety laws; and provides resources for greater research and development into pipeline safety technologies, including new internal inspection mechanisms, as well as enhanced leak detection technologies.

There are over 1.8 million miles of liquid and natural gas pipelines in the United States, including 7,000 miles in New Mexico. The Federal Office of Pipeline Safety is responsible for 5,000 miles of pipeline in New Mexico and the State must inspect the remaining 1,800 miles. Yet, the New Mexico State budget for pipeline safety allows for only four inspectors, who can cover only a few miles of pipeline per day. Because of this resource shortage, hundreds of miles of underground oil and gas pipelines go uninspected each year in my state.

The bill before the Senate authorizes more funding for State inspection activities, and provides the States with greater oversight authority to inspect both intra- and interstate pipelines. States are an important partner in the regulation of oil and gas pipelines. With this bill, Congress is stepping up to the plate to help reimburse states for undertaking a greater responsibility for pipeline safety.

As my colleagues know, the bulk of the responsibility for pipeline inspection falls on the oil and gas companies themselves. In fact, the liquid and natural gas industries spend nearly $4 billion annually on pipeline safety activities. Pipeline transportation is perhaps the safest way available to move liquid and natural gas across the country. Among all the methods of transport, including pipeline, highway, rail, aviation, and marine, pipeline accident fatalities represent less than 1/333rd of one percent of the total number of annual deaths related to the industry.

Yet despite this safety record, tragic accidents do occur. I think the industry, in partnership with federal and State regulators, can do more to better protect our citizens from these kinds of accidents. This bill represents an extension of that partnership, and I believe that industry should be commended for coming to the table and helping us reach this agreement.

This bill requires companies to file ''Integrity Management Plans'' with the United States Department of Transportation. These plans will outline how the company will periodically assess the safety of their pipelines, including the use of internal inspections, pressure tests, direct assessments and any other available methods of identifying weaknesses in the pipeline and detecting leaks. In short, this provision means that for the first time, companies will be required to conduct regular pipeline inspections, and to provide information on those inspections to federal and State regulators.

Finally, Mr. President, this bill authorizes additional resources for research and development of new pipeline safety technologies through the Department of Transportation and Department of Energy. It is clear that we need to develop some new technologies to better assess the integrity of pipelines and detect leaks before they cause disaster. One of the problems with the line which exploded in Carlsbad was that conventional ''pig'' devices, which detect corrosion and leaks, could not be used to inspect that particular pipeline. We have tremendous scientific capabilities in our universities, national laboratories and in the private sector which could be tapped to help develop new and better technologies.

While everyone recognizes that Sandia and Los Alamos National Laboratories in New Mexico have great scientific capabilities which could be brought to bear on this problem, a private sector resource also exists in my home state. La-Sen Corporation in Las

Cruces, NM has developed an airborne laser mapping system which can inspect hundreds of miles of oil and gas pipeline per day. I know that some of the major oil and gas companies, including El Paso Natural Gas, have seen the technology and have indicated that they would use it if it were commercially available.

I plan to work in the next several weeks to help this company find federal resources to complete development of this technology and make it commercially available as soon as possible. This is the kind of research and development that the federal government ought to encourage.

I am pleased to support passage of this bill. Even though the bill imposes new requirements on industry and provides for tougher penalties for violating the law, there are some who will say that it does not do enough to get tough on pipeline companies. In my view, the Chairman of the Commerce Committee, the Senators from Washington and other members who have worked on this bill have done an excellent job crafting a bill which will receive the unanimous support of this Senate. I hope the House will take this bill up at the earliest possible date and pass it quickly so that we can send pipeline safety legislation to the President for his signature prior to the end of the session. I yield the floor.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4130) was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GORTON. Impelled by an explosion last year in Bellingham, WA, that took three young lives and shook that community to its core, and given force by another recent tragedy in New Mexico, the Senate today is adopting the Pipeline Safety Improvement Act of 2000. The bill brings much-needed reforms to the regulation and oversight of the pipelines that wind invisibly beneath our homes, parks, and schools, most notably by providing more information to local governments and to the public about the location and condition of pipelines and pipeline accidents; by requiring more accountability from the Federal Office of Pipeline Safety and by authorizing more funding for that Office and for States willing to assume additional oversight responsibility; by requiring operators to assess the risks to their lines and develop plans to address threats to their integrity; by giving willing States a clearer and larger role in the oversight of interstate pipelines; by directing additional attention and resources to research and development programs to improve pipeline integrity; by increasing civil penalties for violations of pipeline safety standards; and by requiring Federal attention to recommendations for improvements to pipeline safety by state citizen advisory committees.

The issue of citizens advisory committees has, to my surprise, been one of the most contentious. The idea of creating an independent oversight body that is not controlled by industry, and that can objectively assess the state of pipeline safety and make recommendations for improvements to Federal and State regulators, is to me perfectly sensible. The passion with which industry has opposed even a pilot program for Federal citizen advisory committees has, I confess, disturbed me and strengthened my determination to see that citizen advisory committees are established and adequately funded.

While it has become clear to me that a Federal advisory committee will not be part of any legislation that can be enacted this year—and I am absolutely determined to see that legislation is enacted—I am committed to seeing that Washington State receives adequate funding for its own Citizens Committee on Pipeline Safety, whose members were recently appointed, but which I understand has been allocated only enough funds to pay for a meeting room four times a year, hardly the resources needed to meet the responsibility this committee has been assigned.

I will work through the appropriations process this year to see that not only is funding increased for all Federal and State pipeline safety activities, but that in addition to the $800,000 I am trying to direct for Washington State's new responsibilities in overseeing pipeline safety, Washington obtains sufficient funding to staff and pay for the activities of the Citizens Committee on Pipeline Safety.

The issue of citizen advisory committees has not been the only contentious issue in this bill. Getting here has not been easy, and were it not for the efforts and dogged perseverance of Members of both sides of the aisle, most notably Senator MCCAIN, and my colleague from Washington, Senator MURRAY, we would not be here today. I am deeply grateful for their work.

Another person who has made this happen, and for whom I have developed a true respect, is Mark Asmundson, the Mayor of Bellingham, WA. Following the explosion on June 10, 1999, and with a commitment born, I believe, of justifiable anger, Mark has devoted himself to improving pipeline safety at the local, State, and Federal levels. It is people like Mark, who is committed to public welfare, passionate, practical, and resolutely good humored, and the many others who responded to the tragedy in Bellingham by taking action not only to improve their own safety, but the safety of people throughout this country, who constantly remind me how privileged I am to represent the people of Washington State.

Since the Commerce Committee passed S. 2438 in June of this year, following a factfinding hearing in Bellingham in March, I have been working to secure passage of this bill by unanimous consent as an extended debate this late in the year is impossible. The manager's amendment that was adopted today resolves concerns raised by some of my colleagues in a way that I think is fair, and, unlike some of the amendments offered and defeated in committee in a way that does not undermine the benefits of this bill.

S. 2438, as amended, is a marked improvement to the status quo. it requires the Office of Pipeline Safety to implement the recommendations of the Inspector General of the Department of Transportation by completing rulemakings that are long overdue, collecting better information to determine the causes of pipeline accidents, and providing better training to OPS inspectors. S. 2438 accelerates the deadline for operators to prepare plans for training and qualifying their employees.

The bill imposes on operators of pipelines of any length, not just longer pipelines as suggested by the administration, an obligation to conduct risk analyses and adopt integrity management plans for high consequence areas—plans that provide for periodic inspections of pipelines. It requires that information about pipeline incidents and safety-related conditions be made available to the public and lowers the threshold for reporting spills from the current 2100 gallons, to 5 gallons.

To give local officials a greater role in protecting their communities, the bill requires operators to work with local communities to educate them about the location and risks of pipelines and what to do in case of an accident. The bill increases fines for violations and protection for whistleblowers who report unsafe conditions. S. 2438 explicitly provides a role for States in the oversight of interstate pipelines and gives the Federal Office of Pipeline Safety the authority it needs to carry out the recent agreement with Washington State which will enable Washington to hire more investigators and take an active role in the oversight of interstate pipelines.

The bill provides not only more funding for the Office of Pipeline Safety and direction on areas of research and development to focus on improved safety, but also incorporates the recommendation of Senators BINGAMAN and DOMENICI to create a new cooperative research and development program

for pipeline integrity that combines the resources of the Departments of Transportation and Energy under the auspices of the National Science Foundation.

The bill, in sum, while not all that I would have wished, is a vast improvement over the status quo. I am grateful to my colleagues for passing this very critical piece of legislation. And I am determined to see that it is enacted into law before the end of this Congress.

Mr. President, I yield the floor.

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

Mrs. MURRAY. Mr. President, I commend my colleagues this evening for passing the much-needed pipeline safety bill.

For too long, communities across the country—in tragedy after tragedy—have felt the impact of our Nation's inadequate pipeline safety standards.

Today, the Senate has responded with a strong bill that will help make our pipelines safer.

As pleased as I am today, I am reminded of another much darker day—June 10, 1999.

On that day, a gasoline pipeline exploded in Bellingham, WA, killing three young people, shattering a community's faith, and setting us on the road of safety reform.

I know that we can't undo what happened in Bellingham. We can't restore the loss of those families. But with this bill, we are putting the lessons we learned in Bellingham into law—and taking a first step toward ensuring America's pipelines are safe.

Unfortunately, it has taken another fatal pipeline explosion to reach this day. But it is clear that the tragedy in New Mexico raised public awareness and increased the pressure on Congress to pass this bill.

This bill will go a long way toward improving pipeline safety. Back in January—when I introduced my own pipeline safety bill—I outlined the areas that needed reform. I am proud that this bill embodies the principles I have been working for.

First, this bill will improve the qualifications and training of pipeline personnel. It requires employees to demonstrate an ability to do their job. And it requires periodic reexamination of pipeline personnel. Second, this bill improves pipeline inspections and prevention practices. It requires operators to submit pipeline integrity management plans, which State and local officials can evaluate and recommend changes to.

These plans will include: internal inspections, evaluation criteria, measures to prevent and mitigate unintended releases, and other safety activities.

Third, and importantly, this bill expands the public's right-to-know about problems with pipelines. It requires operators to make information about the pipelines and their safety practices available to local officials, emergency responders, and the public—including posting information on the Internet. It also requires more pipeline accidents to be reported to the Office of Pipeline Safety, by lowering the reporting threshold from 200 gallons to 5 gallons.

Fourth, this bill raises the penalties for safety violators. It doubles the current civil penalties for noncompliance, and it lifts the caps on maximum penalties.

Fifth, this bill enables States to expand their safety efforts. This bill allows the Secretary of Transportation to enter into agreements that will allow States to: ''participate in special investigations involving incidents or new construction'' and to ''assume additional inspection or investigatory duties.''

Sixth, this bill invests in new technology to improve safety. It recognizes the need for R&D for new inspection devices and practices, and it authorizes a coordinated research program.

Seventh, this bill provides protections for those who blow the whistle on unsafe practices.

Eighth, this bill increases funding for safety efforts. It authorizes spending $13 million more on pipeline safety than we spend today.

Finally, this bill recognizes State citizen advisory committees and allows for their funding. These State citizen advisory committees would make recommendations to the Secretary of Transportation. The Secretary will be required to respond—in writing—to those recommendations. And, the Secretary would have to detail what actions, if any, will be taken to implement those recommendations.

Further, the bill would allow appropriations for these State advisory committees.

This is a sound bill. Under this bill, pipelines will be inspected. Operators will be qualified. Whistleblowers will be protected, and violators will be penalized. Pipeline companies will have to develop comprehensive safety and inspection plans, and States will get new authority. Citizen groups will have a role, and the public will have a right to know about the pipelines in their own communities.

This bill does not only raise pipeline safety standards. It gives us the tools, the enforcements, and the funding to ensure that pipeline companies reach those standards.

I want my constituents and my colleagues to know that I plan on remaining vigilant on this issue and ensuring that future administrations carry out the congressional mandate.

I do want to recognize tonight a few people who have helped make this day possible. First are the families of the victims of the Bellingham explosion, Frank and Mary King, Katherine Dalen and Stephen Tsiorvas, Marlene Robinson and Bruce Brabec. They have testified and worked hard. They have been courageous, and they were constant reminders of what has been lost and what this legislation will help protect.

Second, I thank the people of Bellingham, especially Mayor Mark Asmundson, who has done more than anyone I know to raise awareness about pipeline hazards.

I recognize the work of our great Governor Gary Locke. And third, I thank those in the administration who have supported our efforts; in particular, Vice President GORE, who learned about this issue during a visit to my State and who got the administration's proposal to Congress.

I also thank Transportation Secretary Rodney Slater. At my request, he promptly stationed a pipeline inspector in my State after the Bellingham explosion, and he has worked with us on this issue for more than a year. His leadership has been critical to our efforts. I thank him this evening.

I also thank DOT's Inspector General Kenneth Mead, Kelly Coyner, who is the administrator of DOT's Office of Research and Special Programs Administration, and the director of the Office of Pipeline Safety, Stacey Gerard, and her predecessor, Richard Felder.

I thank Jim Hall, Chairman of the National Transportation Safety Board.

Many groups played a role in moving this process forward. I thank the National Pipeline Reform Coalition, SAFE Bellingham, and the Cascade Columbia Alliance. I also thank everyone who testified at the numerous hearings, and the many Federal and State officials who have worked on this issue.

Finally, I thank my colleagues in the Senate, especially Commerce Committee Chairman JOHN MCCAIN, who has been stalwart in his support and has been working with us every step of the way. I thank my colleague Senator GORTON and his staff who have worked with us diligently on this issue; Senator HOLLINGS; Senator INOUYE, all the members of the Commerce Committee and their staffs, and Dale Learn from my office.

Senator BINGAMAN should also be thanked for his leadership. He made the bill stronger by adding a needed research and development amendment, which I am pleased to cosponsor.

I thank the many reporters and editorial writers who helped raise public awareness about the need to improve pipeline safety.

While we have cleared a major hurdle, our work is not finished. This bill must now pass the House of Representatives and be signed by the President. We don't have much time. Let's use today's passage to energize the efforts of the House so we can improve pipeline safety in communities across America this year.

Mr. KERRY. Mr. President, I rise to make a short statement about the Pipeline Safety Improvement Act of 2000, which the Senate will pass tonight through unanimous consent.

Mr. President, to understand this legislation, you must understand the situation from which we started. The federal government, through the Department of Transportation, regulates more than 2,000 gas pipeline operators with more than 1.3 million miles of pipe and more than 200 hazardous liquid pipeline operators with more than 156,000 miles of pipe. To protect the public safety, the environment and maintain reliability in the energy system over that massive system is an enormous challenge. I don't doubt that. The responsibility for meeting that challenge, no matter how great it is, falls upon the industry and federal government, specifically, DOT's Office of Pipeline Safety. It is clear that both OPS and the industry have failed to raise to that challenge, and we have paid a high price.

According to the OPS, since 1984, there have been approximately 5,700 natural gas and oil pipeline accidents nationwide, 54 of them in my home state of Massachusetts. In the 1990s, nearly 4,000 natural gas and oil pipeline ruptures—more than one each day—caused the deaths of 201 people, injuries to another 2,829 people, cost at least $780 million in property damages, and resulted in enormous environmental contamination and ecological damages. Two accidents in particular show us the tragic consequences of pipeline accidents. On June 10, 1999, a leaking gasoline pipeline erupted into a fireball in Bellingham, Washington. The fire extended more than one and half miles, killing two 10-year-old boys and a young man. The second accident took place in August in Carlsbad, New Mexico. A leaking natural gas pipeline erupted killing 12 members of an extended family on a camping trip. My sympathies go out to all those involved in these incidents. They are truly tragic.

The Senate Commerce Committee and others have investigated the cause of this tragic record. What we found, sadly, is that OPS was simply failing to do its job. The head of the National Transportation Safety Board, Jim Hall, gave the OPS ''a big fat F'' for its work. And as we considered the legislation in the Commerce Committee, I found that OPS had fallen short in the area of enforcement, in particular. Enforcement is the backbone of any system of safeguards designed to protect the public and the environment. Without the threat of tough enforcement, companies, the unfortunate record shows, do not consistently comply with safeguards. The resulting harm to people and places is predictable. I will not outline all of the details here today, but I recommend to anyone interested that they read the General Accounting Office's investigation into OPS dated May 2000.

The Pipeline Safety Improvement Act of 2000 includes enforcement reforms and enhances the role of OPS and the Department of Justice in enforcement. These provisions, which I proposed in the Commerce Committee, will, I believe, put some teeth into our pipeline safety laws. They include raising the maximum fines that OPS can assess a company from $100,000 to $1,000,000; ensuring that companies cannot profit from noncompliance; clarifying the law regarding one-call services; and allowing DOJ, at the request of DOT, to seek civil penalties in court to ensure that serious violators can be punished to the fullest extent of the law.

The bill makes other significant improvements to existing law. My colleagues from Washington, Mr. GORTON and Mrs. MURRAY have outlined many of these improvements and how they will improve pipeline safety. However, Mr. President, S. 2438, despite significant improvements, also falls short in some areas. This is, in part, a reflection of inadequacy of current protections. It is my hope that further improvements can be made in conference with House and in discussions with the Clinton Administration. These improvements include allowing OPS to delegate enforcement to states as we do with the Clean Air Act and other laws; establishing federal standards for testing, re-testing, and repairs, leak detection, emergency shut-off valves, and failsafe mechanisms to prevent over pressurization; establishing federal standards to improve corrosion prevention; and removing the cost-benefit provisions incorporated into the law during the 1996 reauthorization, which may limit development of pipeline safety standards by requiring any new standards to meet economic and judicial tests that no other federal agency's regulations must meet.

I do not mean to detract from the hard work of Mr. MCCAIN, Mr. HOLLINGS, Mr. GORTON, Mrs. MURRAY, Mr. BINGAMAN and Mr. DOMENICI with my remarks. They have done great work crafting this bill and bringing it before the Senate for passage tonight. The public and the environment will be better protected thanks to their work.

SECTION 10(B)

Mr. HOLLINGS. Mr. President, I rise along with my colleagues Mr. BROWNBACK and Mr. KERRY to make clear the intent of certain provisions in the Pipeline Safety Improvement Act of 2000. It has come to my attention that there may be some ambiguities contained in the language of Section 10(b) of the proposed legislation (S. 2438). As you are aware, Section 10(b) of the bill adds a new provision—Section 60117(b)(3)—to the Revised Pipeline Safety Act. This provision requires that, during the course of an incident investigation, a pipeline owner or operator make records, reports, and information relevant to the incident investigation available to the Secretary upon request within the time limits prescribed in a written request. The bill incorporates by reference this new section into both the civil and criminal penalties sections of the Act, Sections 60122(a) and 60123(a), respectively. Under the current proposal, failure to comply with this reporting provision can result in civil penalties of up to $100,000 for each violation and $1,000,000 for a related series of violations. And, a separate violation occurs for each day the violation continues.

Civil penalties are capped at a maximum of $100,000 per day and $1,000,000 for a ''related series of violations.'' The information required to be produced during an investigation pursuant to Section 60117(b)(3) is limited to information ''relevant to [a particular] incident investigation.'' I am seeking clarification that all information requests issued by the Secretary pursuant to a single incident investigation are considered ''related'' for purposes of calculating the $1,000,000 civil penalty cap for a ''related series of violations'' under Section 60122(a). In other words, the provision would not treat each written information request as a separate and unrelated event for purposes of applying the $1,000,000 cap so long as all of the requests concern the same incident. Were that not the case, a pipeline owner or operator that receives numerous document requests relating to an incident, but is unable to assemble and provide all of the information in time to meet the Secretary's deadline, could face fines far exceeding the $1,000,000 contemplated by this legislation.

Mr. KERRY. I thank my friend, Mr. HOLLINGS, for his question. It is the intention of this legislation to treat all information requests pursuant to a single incident investigation as ''related'' for purposes of applying the civil penalty cap under Section 60122(a). To increase the incentive for pipeline companies to cooperate during an agency investigation, the cap has been increased to $1,000,000 for a related series of violations. That $1,000,000 cap is not intended to separately apply to each and every information request—of which there could be many—but rather serves as a restriction on the total amount of civil penalties applicable to a particular incident for failure to comply with the reporting requirement of Section 60117(b)(3).

Mr. BROWNBACK. Mr. President, I would like to clarify an additional provision of the legislation. It is my understanding that Section 60117(b)(3) is aimed at penalizing pipeline companies that either refuse to turn over records, reports, or information concerning an incident that is identified in a written

request from the Secretary or refuse to produce the records, reports or information in a timely fashion. While it is critically important to ensure that companies actively aid the agency's investigative process by promptly providing information related to an incident, there may be situations where a company goes to great lengths to cooperate with an investigation, but for a variety of reasons falls short of fully satisfying the requirements of Section 60117(b)(3). For example, the information solicited in a written request may be unclear or otherwise subject to multiple interpretations. A company may promptly provide the information that it believes to be fully responsive to the request only to find out later that the information is somehow deficient either because it is incomplete, in a different form, or of a different character than that contemplated by the agency. In these situations, despite the best of intentions, a company may find out many days or weeks later that it is nonetheless subject to cumulative daily civil penalties. I am seeking clarification that Section 60117(b)(3) is intended only to cover those situations where the information that the Secretary seeks is clear, but the company refuses to provide the information at all or within the time prescribed in the written request—not situations where a company makes a good faith effort to meet the requirement but is deemed to have failed because of a written request for information this is subject to interpretation or ambiguously written.

Mr. KERRY. Mr, President, my friend, Mr. BROWNBACK, is correct that it is the intention of Section 60117(b)(3) to reach those companies that don't comply with a clearly written request for documents and information from the agency, but thwart the investigative process either by refusing to turn over relevant information or by dragging their feet in providing it. The bill does not contemplate that this penalty provision will be applied to a company that actively cooperates in an investigation and makes a good faith effort to provide all of the information requested only to find out later that, because of an ambiguously or poorly written request, the company technically failed to meet the requirements of Section 60117(b)(3).

Mr. BINGAMAN. I commend Chairman MCCAIN, Senator HOLLINGS and the members of the Commerce Committee for moving expeditiously to pass this Pipeline Safety Reauthorization bill. The bill includes requirements for each pipeline to develop an integrity management plan to address the specific circumstances of each individual pipeline. There is reference in the Pipeline Safety Act, and the amendments, to circumstances such as pipelines in environmentally sensitive and densely populated areas warranting special attention, but no reference to pipelines that are attached to bridges at such places as river crossings or in other exposed circumstances. The tragic accident in my State of New Mexico was adjacent to a river crossing. The rupture occurred along a buried section of the pipe just before the pipe emerged and was attached to the bridge. I am very concerned that these pipelines are vulnerable to many different types of damage, including even that from a hunter's stray bullet or an auto accident. I would like to ask the chairman and members of the committee whether these exposed pipes on bridges are a category given special attention?

Mr. GORTON. Unlike inspections conducted on overland sections of pipeline, the inspector would need specialized knowledge to properly determine the structural integrity and soundness of, say, a cable suspension bridge, in addition to that of the pipeline. This would probably include an understanding of and training in: steel fabrication, structural engineering fundamentals, pipeline behavior under operating pressure, the characteristics of all cable types used in suspension bridges, and the characteristics of reinforced concrete foundation structures.

Mr. MCCAIN. The committee has worked to ensure all pipelines are covered under the provisions of this legislation, including the more uniquely located pipelines mentioned by my colleagues. The bill requires the agency's technical experts, in conjunction with the industry, to develop specific plans to ensure the integrity of all pipelines. In addition, it requires that operators and inspectors are properly trained to be aware of, and proactively assess, the vulnerabilities of such pipelines in different circumstances, including exposed pipelines.

Mr. GORTON. Regardless of location, type of pipeline, size or terrain, a program to maintain and inspect the integrity of all pipelines is required to ensure the public safety, environmental protection and reliability of the infrastructure. In fact, the agency should be consulting with the bridge inspection specialists in the various other Federal and State agencies.

Mr. BINGAMAN. I thank the Senators for that clarification.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2438), as amended, was read the third time and passed, as follows:

S. 2438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety Improvement Act of 2000''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this Act, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT–2000–069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 3. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 4. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) QUALIFICATION PLAN.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks

identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) DUE DATE.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 5. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

''(c) INTEGRITY MANAGEMENT.—

''(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2001, whichever is sooner.

''(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

''(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods;

''(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

''(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

''(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

''(4) STATE ROLE.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

''(5) MONITORING IMPLEMENTATION.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

''(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

''(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

''(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

''(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

''(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

''(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.''.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

''(1) operation of the facility is or would be hazardous to life, property, or the environment; or

''(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment.''; and

(2) by striking ''is hazardous,'' in subsection (d) and inserting ''is, or would be, hazardous,''.

SEC. 7. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

''§ 60116. Public education, emergency preparedness, and community right to know

''(a) PUBLIC EDUCATION PROGRAMS.—

''(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

''(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

''(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

''(b) EMERGENCY PREPAREDNESS.—

''(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

''(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

''(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

''(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

''(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

''(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

''(E) a point of contact to respond to questions from emergency response representative.

''(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

''(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

''(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2000, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

''(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

''(1) make available to the public—

''(A) a safety-related condition report filed by an operator under section 60102(h);

''(B) a report of a pipeline incident filed by an operator;

''(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

''(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

''(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.''.

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking ''authorities.'' and inserting ''officials, including the local emergency responders.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

''60116. Public education, emergency preparedness, community right to know.''.

SEC. 8. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking ''$25,000'' in subsection (a)(1) and inserting ''$500,000'';

(2) by striking ''$500,000'' in subsection (a)(1) and inserting ''$1,000,000'';

(3) by adding at the end of subsection (a)(1) the following: ''The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121.''; and

(4) by striking subsection (b) and inserting the following:

''(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

''(1) the Secretary shall consider—

''(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

''(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

''(C) good faith in attempting to comply; and

''(2) the Secretary may consider—

''(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

''(B) other matters that justice requires.''.

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking ''knowingly and willfully'';

(2) by inserting ''knowingly and willfully'' before ''engages'' in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

''(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or''.

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

''(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.''.

SEC. 9. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking ''GENERAL AUTHORITY.—'' in subsection (a) and inserting ''AGREEMENTS WITHOUT CERTIFICATION.—'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

''(b) AGREEMENTS WITH CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

''(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

''(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

''(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

''(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

''(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

''(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2001, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2000 if—

''(A) the State Authority fails to comply with the terms of the agreement;

''(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

''(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.''.

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

''(e) ENDING AGREEMENTS.—

''(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

''(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

''(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

''(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

''(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

''(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.''.

SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting ''(1)'' before ''To'';

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

''(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request.''; and

(4) indenting the first word of the last sentence and inserting ''(4)'' before ''The Secretary'' in that sentence.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking ''60114(c)'' and inserting ''60117(b)(3)''.

(2) Section 60123(a) is amended by striking ''60114(c),'' and inserting ''60117(b)(3),''.

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

''(1) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.''.

SEC. 11. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of

agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 12. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 11(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

''(1) $26,000,000 for fiscal year 2001, of which $20,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $30,000,000 for each of the fiscal years 2002 and 2003 of which $23,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

''(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

''(1) $17,000,000 for fiscal year 2001, of which $15,000,000 is to be derived from user fees for fiscal year 2001 collected under section 60301 of this title; and

''(2) $20,000,000 for the fiscal years 2002 and 2003 of which $18,000,000 is to be derived from user fees for fiscal year 2002 and fiscal year 2003 collected under section 60301 of this title.''.

(c) OIL SPILLS.—Sections 60525 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

''(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to carry out programs authorized in this Act for fiscal year 2001, fiscal year 2002, and fiscal year 2003.''.

(e) PIPELINE INTEGRITY PROGRAM.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 11(b) and 12 of this Act $3,000,000, to be derived from user fees under section 60125 of title 49, United States Code, for each of the fiscal years 2001 through 2005.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation to carry out programs for detection, prevention and mitigation of oil spills under sections 11(b) and 12 of this Act for each of the fiscal years 2001 through 2005.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 11(b) and 12 of this Act such sums as may be necessary for each of the fiscal years 2001 through 2005.

SEC. 14. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting ''(1)'' after ''CORRECTIVE ACTION ORDERS.—''; and

(2) by adding at the end the following:

''(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until—

''(A) the Secretary determines that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

''(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section 4 of the Pipeline Safety Improvement Act of 2000 and can safely perform those activities.

''(3) Disciplinary action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.''.

SEC. 15. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60129. Protection of employees providing pipeline safety information

''(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEES.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

''(3) testified or is about to testify in such a proceeding; or

''(4) assisted or participated or is about to assist or participate in such a proceeding.

''(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

''(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION; PRELIMINARY ORDER.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B) REQUIREMENTS.—

''(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the

complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

''(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

''(4) REVIEW.—

''(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

''(6) ENFORCEMENT OF ORDER BY PARTIES.—

''(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

''(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

''(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.''.

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

''(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

''60129. Protection of employees providing pipeline safety information.''.

SEC. 16. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 17. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 18. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

SECURITY ASSISTANCE ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 696, S. 2901.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2901) to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. Mr. President, I ask unanimous consent that the bill be read the third time.

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

The bill (S. 2901) was read the third time.

Mr. GORTON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4919. I further ask consent that the Senate proceed to its consideration, all after the enacting clause be stricken, and the text of S. 2901 be inserted in lieu thereof. I ask that the bill then be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

Further, I ask unanimous consent that the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate and, finally, that S. 2901 be placed back on the calendar.

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

The bill (H.R. 4919), as amended, was read the third time and passed.

The PRESIDING OFFICER (Mr. ROBERTS) appointed Mr. HELMS, Mr. LUGAR, Mr. HAGEL, Mr. BIDEN, and Mr. SARBANES conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nominations reported by the Armed Services Committee during today's session.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles R. Holland, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Glen W. Moorhead, III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Norton A. Schwartz, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

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, and as a Senior Member of the Military Staff Committee of the United Nations under title 10, U.S.C., Section 711:

To be lieutenant general

Maj. Gen. John P. Abizaid, 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. Edward G. Anderson, III, 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. Bryan D. Brown, 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. William P. Tangney, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Peter Pace, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael P. Delong, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 0000

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 3021

Mr. GORTON. Mr. President, I understand that S. 3021 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3021) to provide that a certification of the cooperation of Mexico with United States counter-drug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

Mr. GORTON. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk until its second reading.

NOMINATIONS PLACED ON THE CALENDAR

Mr. GORTON. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nominations of Senator BIDEN and Senator GRAMS to be representatives to the General Assembly of the United Nations and, further, that the nominations be placed on the calendar.

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

ORDERS FOR FRIDAY, SEPTEMBER 8, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, September 8. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on H.R. 4444, the China PNTR legislation.

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

PROGRAM

Mr. GORTON. Mr. President, at 10 a.m., the Senate will resume debate on the China trade bill. Amendments are expected to be offered and debated throughout the day. As previously announced, there will be no votes during tomorrow's session of the Senate. Therefore, any votes ordered with respect to the China PNTR bill will be scheduled to occur on Monday or Tuesday of next week. If significant progress can be made during tomorrow's session, votes may be delayed until Tuesday morning, September 12. Therefore, those Senators who have amendments to H.R. 4444 are encouraged to come to the floor during Friday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:59 p.m., adjourned until Friday, September 8, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 2000:

DEPARTMENT OF DEFENSE

ROBERT B. PIRIE, JR., OF MARYLAND, TO BE UNDER SECRETARY OF THE NAVY, VICE JERRY MACARTHUR HULTIN, RESIGNED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

FREDERICK G. SLABACH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE NORMAN I. MALDONADO, TERM EXPIRED.

THE JUDICIARY

VALERIE K. COUCH, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE WAYNE E. ALLEY, RETIRED.

MARIAN MCCLURE JOHNSTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE LAWRENCE K. KARLTON, RETIRED.

STATE JUSTICE INSTITUTE

DAVID A. NASATIR, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE TERRENCE B. ADAMSON, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188:

To be lieutenant

MICHAEL J. CORL, 0000
GREGORY J. HALL, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSON OF THE AGENCY INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GUY EDGAR OLSON, OF ILLINOIS
LOUIS M. POSSANZA, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

JOSEPH LOPEZ, OF FLORIDA
KURT F. SEIFARTH, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KEREM SERDAR BILGE, OF CALIFORNIA
WILLIAM JOSEPH BISTRANSKY, OF VIRGINIA
MATTHEW DAVID CHRIST, OF NEW HAMPSHIRE
MARC ADRIAN COLLINS, OF NEW JERSEY
MARK W. CULLINANE, OF TEXAS
GREGORY S. D'ELIA, OF NEW YORK
STEVEN H. FAGIN, OF NEW JERSEY
CARL BENJAMIN FOX, OF CALIFORNIA
GRAHAM D. MAYER, OF VIRGINIA
VICTOR MYEV, OF CALIFORNIA
DWIGHT D. NYSTROM, OF ALABAMA
A. JAMES PANOS, OF CALIFORNIA
SHANNON M. ROSS, OF WASHINGTON
LESLIE C. SCHAAR, OF TEXAS
STEPHEN FLETCHER STEGER, OF MISSOURI
MICHAEL SULLIVAN, OF VIRGINIA
WILLIAM D. SWANEY, OF VERMONT
INGER ANN TANGBORN, OF WASHINGTON
SONYA M. TSIROS, OF FLORIDA
JENNIFER DE WITT WALSH, OF WYOMING
TAMIR GLENN WASER, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ELIZA FERGUSON AL-LAHAM, OF MARYLAND
JACK R. ANDERSON, OF MINNESOTA
MATTHEW C. AUSTIN, OF WASHINGTON
MARK D. BARON, OF CALIFORNIA
STACY MARIE BARRIOS, OF LOUISIANA
JULIA LOUISE BATE, OF OHIO
CHAD JONATHAN BERBERT, OF UTAH
BRADLY S. BISHOP, OF VIRGINIA
ANDREW GOSS BOYD, OF THE DISTRICT OF COLUMBIA
MATTHEW MARTIN BOYNTON, OF VIRGINIA
MATTHEW T. BRADLEY, OF VIRGINIA
ROBIN A. BRADLEY, OF MARYLAND
CLINTON STEWART BROWN, OF NEW YORK
ROB L. BUCKLEY, OF FLORIDA
MICHAEL PATRICK CRAGUN, OF OREGON
TERENCE DARNELL CURRY, OF THE DISTRICT OF COLUMBIA
KERRY L. DEMUSZ, OF PENNSYLVANIA
MICHAEL JOHN DOLLAR, OF VIRGINIA
CATHLEEN L. DUNFORD, OF THE DISTRICT OF COLUMBIA
POLLY ANN EMERICK, OF WASHINGTON
JOHN M. ENT, OF VIRGINIA
ROBERT A. FENSTERMACHER, OF MARYLAND
YARYNA N. FERENCEVYCH, OF NEW JERSEY
JOHN M. FLEMING, OF MARYLAND
JAMES H. FLOWERS, OF TEXAS
NINI J. FORINO, OF NEW YORK
GREGORY GAINES, OF VIRGINIA
CHRISTOPHER A. GOW, OF VIRGINIA
RICHARD GRAY, OF CALIFORNIA
LANCE K. HEGERLE, OF CALIFORNIA
JUSTIN HIGGINS, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER W. HODGES, OF GEORGIA
ROBERT M. HOLLISTER JR., OF TENNESSEE
KENNETH HOLTZMAN, OF VIRGINIA
ABU JAFAR, OF VIRGINIA
AARON WAYNE JENSEN, OF OREGON
MICHELLE L. JONES, OF OHIO
KIT ALLISON JUNGE, OF WASHINGTON
PENELOPE M. KALOGEROPOULOS, OF VIRGINIA
GABRIEL M. KAYPAGHIAN, OF CALIFORNIA
ELIZABETH A. KESSLER, OF THE DISTRICT OF COLUMBIA
BRENTON E. KIDD, OF VIRGINIA
HAKYUNG KIM, OF VIRGINIA
JOHN OLIVER KINDER, OF VIRGINIA
MICHAEL B. KOLODNER, OF PENNSYLVANIA
ALEXEI THOMAS KRAL, OF NEW YORK
MATTHEW W. KURLINSKI, OF VIRGINIA
WANDA M. LANE, OF VIRGINIA
W. STANLEY LANGSTON, OF VIRGINIA
LINDA BERYL LEE, OF WASHINGTON
DUNJA LEPUSIC, OF VIRGINIA
J. AUSTIN LYBRAND IV, OF NORTH CAROLINA
KRISTOPHER W. MCCAHON, OF VIRGINIA
JO L. MCWHORTER, OF VIRGINIA
LAURIE J. MEININGER, OF CALIFORNIA
MARK MERRITT, OF VIRGINIA
JOSEPH L. MONTIE, OF VIRGINIA
MARK R. NACHTRIEB, OF MARYLAND
TREVOR WARREN NELSON, OF VIRGINIA
DONALD J. NERKOSWKI, OF NORTH CAROLINA
MARIA CRISTINA NOVO, OF FLORIDA
VINCENT J. O'BRIEN, OF FLORIDA
JAMES M. PERIARD, OF CALIFORNIA
MARISA L. PLOWDEN, OF NEVADA
MICHAEL RADT, OF VIRGINIA
DOUGLAS EUGENE SONNEK, OF CALIFORNIA
CAROL MILLARD STONE, OF VIRGINIA
JEFFREY H. STONER, OF VIRGINIA
NINA C. SUGHRUE, OF THE DISTRICT OF COLUMBIA
ELIA ENITH TELLO, OF NORTH DAKOTA
BARBARA M. THOMAS, OF MINNESOTA
JOHN KOKE WATSON, OF VIRGINIA
STEPHANIE A. WICKES, OF VIRGINIA
L. KIRK WOLCOTT, OF WASHINGTON
HENRY THOMAS WOOSTER, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ROBERTA ANN JACOBSON, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DEPARTMENT OF STATE

JAMES WEBB SWIGERT, OF VERMONT

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 10, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DEPARTMENT OF STATE

RICHARD T. MILLER, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 8, 1998:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEBORAH ANNE BOLTON, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES A. HRADSKY, OF FLORIDA
TOBY L. JARMAN, OF VIRGINIA
KAREN D. TURNER, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES F. BEDNAR, OF NEW HAMPSHIRE
BETSY H. BROWN, OF NEW YORK
JOHN JULIUS CLOUTIER, OF OREGON
SHARON LEE CROMER, OF THE DISTRICT OF COLUMBIA
JOSEPH FARINELLA, OF VIRGINIA
RODGER D. GARNER, OF OREGON
THOMAS D. HOBGOOD, OF MARYLAND
LAWRENCE J. KLASSEN, OF CALIFORNIA
ROBERTA MAHONEY, OF WISCONSIN
VICKI LYNN MOORE, OF VIRGINIA
PATRICIA RAMSEY, OF VIRGINIA
DENNY F. ROBERTSON, OF THE DISTRICT OF COLUMBIA
HOWARD J. SUMKA, OF MARYLAND
MOHAMED TANAMLY, OF FLORIDA
DIANE C. TSITSOS, OF MARYLAND
PAUL CHRISTIAN TUEBNER, OF VIRGINIA
MICHAEL J. WILLIAMS, OF CALIFORNIA

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT L. LEWIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PHILIP C. CACCESE, 0000
DONALD E. MCLEAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD W.J. CACINI, 0000
SAMUEL H. JONES, 0000
CARLOS A. TREJO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MELVIN LAWRENCE KAPLAN, 0000
MICHAEL EARLE FREVILLE, 0000
DONALD F. KOCHERSBERGER, 0000
GEORGE RAYMOND RIPPLINGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

MICHAEL* WALKER, 0000 SP

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR ORIGINAL APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

GERALD A. CUMMINGS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BUTLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VITO W. JIMENEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL P. TILLOTSON, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

MICHAEL W. ALTISER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

MELVIN J. HENDRICKS, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

GLENN A. JETT, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOSEPH T. MAHACHEK, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

ROBERT J. WERNER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARIAN L. CELLI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN M. TRAFTON, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 7, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES R. HOLLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GLEN W. MOORHEAD III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

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, AND AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. JOHN P. ABIZAID, 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. EDWARD G. ANDERSON III, 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. BRYAN D. BROWN, 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. WILLIAM P. TANGNEY, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PETER PACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL P. DELONG, 0000

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN, 0000

EXTENSIONS OF REMARKS

HONORING CECIL J. DeLANGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to commend the honorable Park County Commissioner, Cecil J. DeLange, on a job well done. Mr. DeLange has been the Park County Commissioner since 1998. He was concerned with issues such as finance and personnel within the local government. In December, Mr. DeLange will conclude his service as a County Commissioner.

Mr. DeLange, before becoming commissioner, spent three decades with the John Deere Corp. in Illinois and Iowa. Upon moving to Colorado, he started a consulting business and was quite active in the Home Owners Association. Mr. DeLange's knowledge of business and agriculture has helped him guide Park County.

Mr. DeLange, through his public service, has made Park County a better place to live and for that Colorado is thankful.

Thanks for your hard work, Cecil. I wish you all the best in your future endeavors.

TRIBUTE TO VERONICA BARELA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DeGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Veronica Barela.

Veronica Barela has made a tremendous impact on our community and has an impressive record of civic involvement. Ms. Barela has served as the Director of the NEWSED Community Development Corporation, since 1978. She is recognized for her skills in community based economic development, community organizing, housing development, civic event management, development of successful arts and culture initiatives, and civic rights work. Her leadership has been the catalyst for the revitalization of Santa Fe Drive in Denver. Her efforts through NEWSED have attracted one hundred and eighty new businesses to Santa Fe Drive and near Westside Neighborhood and, in addition, she has developed two shopping plazas and one mini center for the community. These business development successes have generated over 3,000 jobs for the immediate community. Ms. Barela's efforts have been nationally recognized and NEWSED has developed national standing as a model Community Development Corporation.

Veronica Barela has also made great contributions to the cultural life of our community. Through her leadership, the annual Cinco de Mayo celebration in Denver has grown to be the largest outdoor Cinco de Mayo celebration in the United States. Her broad range of activities and interests has been a great service to our city as well. She has served as the Chairperson of the Colorado Housing and Finance Authority Board and served as Co-Chair of the Human Service and Education Committee for Denver's Comprehensive Plan 2000. She was President of Hispanics of Colorado and co-chaired the People of Color Coalition. Ms. Barela was appointed to the Consumer Advisory Council for the Federal Reserve Board in Washington DC and served in various capacities on the National Community Reinvestment Coalition Board. Other board memberships include Servicios de La Raza, the American Civil Liberties Union, Denver's Urban Economic Development Corporation and the Hispanic Advisory Council for both Mayors Pena and Webb.

Her commitment and service has earned her several awards in including the Outstanding Women's Award from Metorpolitan State College. Mayor Wellington Webb declared June 26, 1992, "Veronica Barela Day" in the City and County of Denver for her long standing work in civil rights, economic development and community organizing.

Please join me in commending Veronica Barela. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

IN MEMORY OF JOSEPH HENRY SKILES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today to honor an outstanding citizen and community leader from the Fourth District of Texas—the late Joseph Henry Skiles, Jr., of Sanger, TX, who passed away earlier this year at the young age of 56.

Mr. Skiles was president of Tenstrike Oil and Gas and advisory director of Guaranty National Bank of Sanger. He was a member of the Sanger Lions Club and the Public Library Board and was a lifetime member of the First United Methodist Church in Denton.

Mr. Skiles was born on November 4, 1943, in Lincoln, Nebraska, to Joseph Henry Skiles, Sr., and Kathleen Clayton Skiles. A graduate of Denton High School, he earned a bachelor's degree in economics in 1965 from Southern Methodist University and a jurisprudence degree in 1968 from Harvard University School of Law. He served in the U.S. Air Force and was a Vietnam veteran.

Mr. Skiles is preceded in death by his wife Kathleen Dolan Skiles. He is survived by his son, Clayton Dolan Skiles and daughter, Claire Elizabeth Blanche Skiles, and many other family members and friends. He was an integral part of his community and will be sorely missed. So as we adjourn today, let us do so in memory of Joseph Henry Skiles, Jr.

HONORING MYRON MYLES KRONKRIGHT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to recognize the accomplished life of Myron Myles Kronkright. Mike, as he was known, recently passed on at age 77. Mike was a cherished person among the Grand Junction community and he will be greatly missed.

Mike committed nearly half of his adult life helping the children of Grand Junction, Colorado. For over four decades he officiated football, basketball, baseball and softball throughout the valley. He helped to establish the Football and Basketball Officials Association for Colorado as well as served on the Grand Junction Park and Recreation Advisory Board. His commitment to helping children and the sports community was recognized when he was presented the Lloyd McMillian Award and when a softball complex was named in his honor.

Mike went to great lengths to help others, donating a great deal of time and effort to help the children of his community understand the importance of team sports. He helped Colorado by giving them an association where other individuals could learn the importance of helping children appreciate fair play in athletics. He may be gone, but memories like these will live on in the hearts of all that knew him.

Mike Kronkright was a truly great Coloradan that was extremely committed not only to bettering children's lives through team sports, but also giving back to his community. He had an immense impact upon the community of Grand Junction that will not soon be forgotten.

TRIBUTE TO LORRAINE GRANADO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Lorraine Granado.

Lorraine Granado has been on the frontlines of progress in Denver for decades. She has been an organizer and powerful advocate in work she describes as ''real life stuff.'' Throughout her life, Ms. Granado has promoted the well being of all people, including Latinos. As an organizer, she describes herself as ''a person who works with people who have a real need, a willingness to do something about it, and a passion for social justice.''

Presently, she is the Executive Director of the Cross-Community Coalition in the Globeville, Swansea and Elyria neighborhoods in Denver. People in these communities have weathered tremendous change over the years and through Ms. Granado's efforts, they are able to better address issues related to economic empowerment and environmental justice because of her common sense approach to problem solving. Through her leadership, the Cross Community Coalition continues to bring tangible benefits to disadvantaged people through their Family Resource Center which offers job training and placement, various social services, and after school programs.

Lorraine Granado has helped build a number of organizations through her work in board development, non-profit management, media relations, leadership development, advocacy, teaching organizing techniques, and public policy participation. She has served as an organizing member of various organizations including: the Colorado Women's Lobby; the Elyria/Swansea Economic Development Corporation; Hispanics of Colorado; the National Nuclear Weapons Freeze Campaign; the Better Jobs for Women Project; the Colorado People's Environmental and Economic Network; People of Color Consortium Against AIDS; and the Colorado Coalition for Full Employment Project. Her accomplishments include: helping to re-write Denver's Industrial Zoning Code to include residential buffer zones; working with members of the National Chemical Manufacturers Association to develop guidance for community outreach; helping stop the placement of a regional medical waste incinerator in the community; developing a conference with the Environmental Protection Agency to address Brownfields issues and explore ways in which community members, developers and government can work together to redevelop communities.

It comes as no surprise that Lorraine Granado received the Dr. Martin Luther King, Jr. Humanitarian Award because of her beliefs, values, philosophy and determination to forward non-violence as a means of achieving peace and justice.

Please join me in commending Lorraine Granado. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

CELEBRATING THE 93D BIRTHDAY OF DON LEGG

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in honor of an exemplary citizen of the Fourth District of Texas, Don Legg of Mabank, TX, who celebrated his ninety-third birthday this year. Retirement seems never to have been an option for Don, as he continues to serve as the ''glue'' that holds together the staff of The Monitor, the local Mabank newspaper. The staff of the newspaper wrote a moving tribute to Don on the occasion of his birthday, some of which I would like to recount for the CONGRESSIONAL RECORD.

No one seems to know exactly how many years Don has worked for the newspaper, but each Wednesday and Friday he still reports to work for a final proofing of the newspaper and continues to hold his title as primary reporter for the Kemp community and its schools. He is an avid fan of the Kemp Yellow Jackets and reports on any and all sporting events in which the school competes.

Two years ago Don suffered a stroke. While in the hospital, recuperating from the stroke which left his speech impaired but his mind still sharp and his desire for writing intact, he continued to work on stories and to cover events and meetings with the help of his wife, Mary, and a number of devoted friends.

According to the newspaper tribute, Don always has a smile and a joke to share with coworkers. He has taught young reporters the art of ''reporting,'' and they have learned from his extensive knowledge and experience. As the staff said, ''The office just wouldn't be the same without him.'' And the same could be said of his beloved community. ''It just wouldn't be the same without him.''

So, Mr. Speaker, as we adjourn today, let us do so in honor of Don Legg, who at the age of 93 may be a ''senior citizen''—but also is still an ''active citizen.'' Happy Birthday, Don!

HONORING JULIUS DAMMANN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. MCINNIS. Mr. Speaker, I would like moment to celebrate the life of Julius ''Bud'' Dammann of Pueblo, Colorado. Sadly, Bud died earlier this month. While friends and family mourn his passing, I would like to take this opportunity to remember Mr. Dammann's distinguished life.

Mr. Dammann was a caring person who constantly did what he could to improve his community, whether that was supporting the local 4–H Club or ensuring his employees were being treated as well as they should be. Mr. Dammann owned and operated Industrial Gas Products and Supply in Pueblo for over five decades. His commitment to ensuring a quality-working environment earned him a distinguished reputation as a businessman.

Being from a small town, Bud used sports as a way to further his education. His athletic ability enabled him to enroll in Colorado Agricultural College where he received honorable mention All-American honors for football. After receiving his education, he returned to Pueblo where he was drafted into World War II. After returning a proud war veteran, he began his successful local business for which he is widely known.

His desire to help his community started when he took over his family's grocery business. A native of Pueblo, Bud understood the area and realized the importance of education and giving back to his community. This desire to better his community was eminently apparent in his involvement in the Masonic Lodge, the Al Kaly Shriners, the Elks Club and as an original member of the 30 Club, an organization that raises charity money for other Pueblo charities. Bud's desire to help young people was evident in his involvement on the University of Southern Colorado Foundation Board and the Pueblo Community College vocational board.

Julius ''Bud'' Dammann cared a great deal about his community and his fellow man. He did everything in his power to ensure Pueblo was a better community for all its citizens, both young and old. Bud was truly a great Coloradan and he will greatly missed.

TRIBUTE TO WANDA PADILLA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Wanda Padilla.

Wanda Padilla has best been described as a ''dynamo'' and she has had a tremendous impact on our community. Ms. Padilla is the woman behind the scenes at La Voz de Colorado, one of our state's most influential Hispanic bilingual newspapers. Known as the Hispanic Voice of Colorado, this Spanish-English newspaper has been published continuously since 1974, and under her leadership, it has matured into a solid weekly newspaper in the Denver area.

Ms. Padilla, who is an Illinois native and graduate of Northwestern University, has been a trailblazer and has built this newspaper business from the ground up. In the beginning, she sold ads, wrote copy, did layouts and billing and distributed the newspaper, all while raising her son Ramon.

La Voz de Colorado fills a real need and it has given the Hispanic Community in the 1st Congressional District a strong political and economic voice. Under Ms. Padilla's leadership as Publisher, the newspaper has experienced tremendous growth and she intends to further expand the newspaper to meet the needs of the growing Hispanic marketplace. The tradition excellence and solid commitment to speaking for Colorado's Hispanics has made La Voz de Colorado a standard bearer for journalistic excellence in the Denver Metro area.

In addition to her work at La Voz de Colorado, Wanda Padilla is active in the oldest Catholic congregation in Denver, Sacred Heart Church. Ms Padilla also serves as a foster mom for her godchild and his sister. While she admits these duties interrupt her tough schedule, her work with children is a labor ''from the heart.''

Please join me in commending Wanda Padilla. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

IN CELEBRATION OF CELESTE, TEXAS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to pay tribute to the citizens and former residents of Celeste, Texas, who are celebrating the rich heritage of their hometown with a community celebration on September 3, 2000. Founded more than 100 years ago, the town of Celeste has endured and thrived due to the hard work, devotion, and community spirit of those who have chosen to live and work and raise their families there. From the early settlers to today's citizens, Celeste has been blessed with honest, hard-working families who take pride in their community and work hard to preserve the wonderful town that I am honored to represent in the Fourth Congressional District of Texas.

The town of Celeste was born when Santa Fe Railroad officials purchased land situated in Hunt County, 50 miles from Dallas, on high rolling prairie between the north fork of the Sabine River and the south fork of the Red River and at the junction of the Missouri Pacific, Gulf Colorado and Santa Fe Railways. The engineers divided the town site into blocks and streets, and a public sale of town lots was held on April 19, 1887. The settlement was named Celeste in honor of one of the railroad official's daughters. On February 11, 1898, more than 20 residents and qualified voters met in the office of the Hunt County Judge for the purpose of incorporating Celeste, and an election was held on March 5, 1898, officially incorporating the town.

In the early years, and even before the railroad began to purchase land or lay tracks, numerous small settlements were established around what is now known as Celeste. Some families still reside in these communities; other settlements are marked by graveyards and other markers, and their history is kept alive through the memories shared by those who once lived there. White Rock, Kingston, Prosperity, Alliance, Dulaney, Hackberry, Goosneck, Orange Grove, Hickory Creek, Hogeye (where Audie Murphy once lived), Nicholson, Midway, Bradburn, and Lane are some of the beloved settlements that were part of Celeste's early history.

Those were the days when small (sometimes one-room) schools were commonplace. Most of these communities established their own schools, and other beloved schools in the area included Antioch School, Crescent School, Davenport School, Sam Houston School, Prairie Hill School, Enterprise School, and Rainbow School. These eventually consolidated and most became part of the Celeste school system.

Churches also were vital to these communities, providing spiritual and moral guidance as well as a ''meeting place'' for social gatherings. Some of these churches remain active in their respective communities.

Records indicate that Celeste received its first postmaster in 1886. The post office was housed in several buildings until 1962, when a new building was dedicated by Congressman Ray Roberts, who traced its legacy to his predecessor, the Representative from the Fourth Congressional District and the great former Speaker of the House, Sam Rayburn.

For many years the Celeste Courier chronicled the events of this community. Births and deaths, school and church activities, commerce and crime, politics and social events, sports and other interests were reported for area residents. But of course much of the news also was shared in person by this close-knit community, most of whom know each other well.

Mr. Speaker, it is an honor to recognize this outstanding city in the Fourth Congressional District and to pay tribute to the citizens of Celeste, Texas, as they honor their hometown on the occasion of this wonderful celebration. Let us join today in celebrating the rich history of Celeste and wishing this community much happiness and prosperity for another hundred years.

HONORING THE CEDAREDGE POLICE DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Cedaredge Police Department for receiving the Colorado Association of Chief of Police Accreditation Award. This award is given to Departments that meet lofty and highly selective standards. This fitting award was accepted by Marshall Tom Early and Officers Archibeque and Beach of the Cedaredge Police Department.

According to the Chief of Police of Montrose, Colorado, Gary Meecham, in a recent article by Leeanna Mewhinney, ''Many people do not know what it takes in order to get this honorable award. Over 160 standards must be met and out of 300 agencies (police departments) in Colorado, only 3 departments on the Western Slope have received this, Cedaredge being one of them.'' This statement shows the dedication and hard work that is required to receive this distinguished recognition.

Police officers work very hard and often do not receive the recognition they truly deserve. It is with great honor that I congratulate the officers of Cedaredge Colorado for not only their recent award, but also their continued efforts to keep Western Colorado a safe environment for all its citizens.

As a former police officer, I am grateful for their service to our community, state and nation.

Congratulations!

TRIBUTE TO OPHELIA MEJIA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Ophelia Mejia.

Ophelia Mejia has devoted a lifetime to improving the condition of children and families in the Denver area. Ophelia was born to parents who emigrated from Mexico and following her father's death at an early age, she graduated from Greeley High School and was employed at the Greeley Tribune while attending the University of Northern Colorado on a scholarship. There, she met her husband and subsequently, they had thirteen children.

Ms. Mejia began her distinguished career in early childhood care and development in the Park Hill area where she opened a family childcare home. She then taught preschool, became a director, and began to teach at the Community College of Aurora where she ultimately became department chair for the Early Childhood Education Department. In that capacity, she was able to access many grants in order that students who had difficulty paying tuition could still attend classes. She is now a specialist with the Community Development Institute, a Head Start Quality Improvement Center for Region VIII, where she provides training and technical assistance to sixteen Head Start Programs.

Ophelia has an impressive history of civic leadership. She is president of the Colorado Child Care Workforce, a board member of the Colorado Association for the Education of Young Children, and a member of the Colorado Child Care Commission. She also serves on the Professional Development and Distance Learning Committees of the Colorado Early Childhood Summit. She conducts bilingual and monolingual Spanish assessments of candidates for the Colorado Child Care Development Associate credential and has been on the advisory boards for the early childhood departments of Metropolitan State College, Emily

Griffith Opportunity School, First Start, Including Children with Disabilities, and Healthy Start Initiatives. Additionally, she has been a member of the Colorado Child Care Coalition, the early Childhood Educators' Network, the Colorado Community College Faculty Coalition and the Latin Council of Aurora.

It comes as no surprise that Ophelia Mejia's devotion and service to our community has been honored and she received the first Outstanding Leaders Award from the Denver Metro Association for the Education of Young Children.

Please join me in commending Ophelia Mejia. It is the strong leadership that she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

COMMENDING ARTHUR AND IDA ANDER FRIEDMAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Arthur and Ida Ander Friedman. On Sunday, September 10, 2000, Art and Ida will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the annual Northwest Indiana-Israel Dinner of State, as they receive the Jerusalem-City of Peace Award. The State of Israel Bond presents the City of Peace Award to worthy recipients who demonstrate their dedication and outstanding service to Israel and their community.

This year's recipients, Mr. and Mrs. Arthur Ander Friedman, are two of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District. Art and Ida hail from Hammond, Indiana and Davenport, Iowa, respectively. Art is a World War II Veteran, and proudly served under General Patton in the European Theater. He is actively involved in several organizations, including B'nai B'rith, his Synagogue's Men's Club, and the Marcus-Wallack Heart Fund. Ida shares Art's dedication to Northwest Indiana and the Jewish community there, and invests extraordinary time and energy in important community and national groups. She has been active in Jewish Women International, the Synagogue's Sisterhood, Hadassah, and the Marcus-Wallack Heart Fund.

While serving the greater community has always been an extremely important part of the Friedmans' lives, their dedication to their family is unparalleled. Art and Ida have three wonderful, grown children, Gary, Richard, and Steven. Their four grandchildren are constant sources of pride and happiness.

The special guest at this gala event will be Mr. Morton Klein. Mr. Klein is the National President of the Zionist Organization of America. He is a strong defender of Israel and a respected leader in the American Jewish community.

Mr. Speaker., I ask you and my other distinguished colleagues to join me in commending Art and Ida Friedman for their lifetime of service, success, and dedication to Indiana's First Congressional District and the State of Israel.

HONORING COSME SANCHEZ JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to commend the Honorable Cosme Sanchez, Jr. on his outstanding commitment to public service. Mr. Sanchez has spent over three decades serving his community, most recently as Costilla County Treasurer. Mr. Sanchez has also served as County Appraiser and Town Clerk and Municipal Judge for the town of San Luis.

The Honorable Mr. Sanchez has served the citizens of Costilla County exceptionally well in his roles as a public servant. Citizens such as Mr. Sanchez, that are willing to spend so much of their lives serving the public, are the reason that the state of Colorado is the great state that it is. Costilla County is privileged to have had such an upstanding public servant as Mr. Sanchez.

I would like to congratulate Mr. Sanchez on his commitment to bettering his community through public service. I wish him the best in his future endeavors.

TRIBUTE TO POLLY BACA

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of an extraordinary woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Polly Baca.

Polly Baca has amassed a distinguished record of leadership in our community and service to our nation. Ms. Baca grew up in Greeley Colorado and where she attended high school. After graduating from Colorado State University with a degree in political science, she began her professional career as an editorial assistant for a labor union in Washington, DC. During the Johnson Administration, she served as a Public Information Officer for a key White House Agency and after serving on the campaign staff for the late Senator Robert F. Kennedy, she served as the Director of Research and Information for the National Council of La Raza.

Poly Baca has always been a trailblazer and upon returning to Colorado, she was elected to the Colorado House of Representatives and was the first woman elected to chair the House Democratic Caucus. She was subsequently elected to the Colorado Senate and became the first minority woman and the first and only Hispanic woman to serve in this body and the first Hispanic woman to serve in leadership in a State Senate in the U.S.

Prior to joining the Clinton Administration, Ms. Baca was the Executive Director of the Colorado Hispanic Institute, a non-profit entity dedicated to developing cultural competence and multicultural leadership. She went on to serve as the Director of the U.S. Office of Consumer Affairs and in that capacity, she chaired the Consumer Affairs Council and the U.S. delegation to the Organization for Economic Cooperation and Development's Committee on Consumer Policy. Subsequently, Ms. Baca was appointed Regional Administrator of the General Services Administration in the six-state Rocky Mountain Region and is the first minority woman and the first Hispanic woman to be appointed to this position.

Ms. Baca is nationally known for her leadership skill and has extensive experience in foreign affairs and is a noted international speaker as well. She has lectured in Japan and the Philippines on the American political system and the role of racial and ethnic Americans and women in the American socio-political and economic systems. Currently, Ms. Baca is the CEO of Sierra Baca Services which is a firm specializing in multicultural leadership development and diversity training.

Her commitment and service has earned her several awards including being inducted into the Colorado Women's Hall of Fame and into the National Hispanic Hall of Fame as an original member. She received the Small Business Administrator's Advocate of the Year Award for Colorado and the Leadership Award from the U.S. Hispanic Chamber of Commerce.

Please join me in commending Polly Baca. It is the strong leadership she exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans. Her life serves as an example to which we should all aspire.

HONORING BISHOP RICARDO HENRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Bishop Ricardo Henry, Pastor of the True Vine Glorious Church of God in Christ. I honor Bishop Henry today to celebrate with him his 67th birthday, which occurred last week, on September 2, 2000. Mr. Speaker, Bishop Henry is deserving of our praise on his birthday because he has served as a pillar of our community, having devoted his life to serving the needs of others.

Born on September 2, 1933 on the island of Old Providence, Colombia, Bishop Henry was blessed with excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. All of these amazing attributes are the result of a God-centered life.

At the age of 7 months, he migrated to the Republic of Panama, where he received his

elementary education at the Escuela Pablo Arosemena. He obtained his high school education at Colegio Abel Bravo and, upon graduation, he pursued his formal Christian training at Bible School in Panama from 1957 to 1958.

In 1963, he immigrated to the United States and became a member of the Evergreen Baptist Church. In 1965, he moved his membership to the Sacred Heart Christian Church, where he was ordained as a minister of the gospel by Bishop Roden James. He was later consecrated as a Bishop by Bishop Charles DeGilio and Bishop Trevlen Williams. In 1986 he became a member of the Glorious Church of God in Christ, and served as an Associate Minister to Bishop Perry Lindsay, Sr. Appointed by Bishop Perry Lindsay, Sr., in 1997 he became Pastor of the True Vine Glorious Church of God in Christ.

Mr. Speaker, Bishop Ricardo Henry is more than worthy of receiving our birthday wishes, and I hope that all of my colleagues will join me today in honoring this truly remarkable man.

HONORING CLEO DAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Cleo Day on her distinguished service as Custer County Commissioner in Colorado. Serving as County Commissioner since 1992, Ms. Day has focused on a whole array of important issues, including efforts to protect property rights and helping improve the Emergency 911 service in Custer County.

Before becoming County Commissioner, Ms. Day ran a number of small grocery stores throughout Colorado that were committed to the service of the local citizens. After leaving the grocery store business, Ms. Day ran for County Commissioner to give back to the community that had given so much to her. Her commitment to the wellbeing of the citizens of Custer County is honest and sincere and was ever present in her everyday actions. Cleo has served Custer County, her state and nation admirably and she will be missed.

It is with this, Mr. Speaker, that I say thank you and congratulations to this public servant and wish her all the best in her future endeavors.

ON THE INTRODUCTION OF A BILL TO REMOVE THE CAP ON MEDICAID FOR THE U.S. TERRITORIES

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce a bill, along with my colleagues from Guam, American Samoa and Puerto Rico, to remove the cap on Medicaid payments to the Territories and to increase the Medicaid statutory matching rate. Providing indigent U.S. citizens in the Territories with the dollars necessary to adequately meet their health care needs is not just a necessity, but I believe is a Civil Right.

Since 1997, eliminating the disparities in health care between the majority and minority populations in the mainland U.S. has been a major focus of the Clinton Administration. While this is an important goal and one which I wholeheartedly support, because of the cap on Federal Medicaid assistance to the Territories, my constituents and those of my fellow Congressional Delegates unfortunately do not benefit very much from this effort.

The lack of adequate health care for the over 4 million residents of the territories in both the Pacific and the Caribbean is largely due to the cap on federal funding in the Medicaid. Additionally, this fact is sadly compounded because the Territories, in large measure have not enjoyed the economic success that the mainland U.S. is enjoying. With reports every day of record federal budget surpluses, the time is right for the Federal government to fulfill its commitment to the health care needs of the people of the offshore areas.

I urge my colleagues to join us in this effort to address this most basic and fundamental need of our fellow citizens.

DOMESTIC SPIRITS TAX EQUITY ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing a bill, along with my colleague, Representative RICHARD NEAL, to end the unequal tax treatment imposed on U.S. produced distilled spirits. At a time when other countries adopt tax laws to favor their own domestic industries, it is ironic that current U.S. tax law favors foreign products at the expense of U.S.-made products. Regrettably, that is the case with respect to distilled spirits. As members of the Committee on Ways & Means, both Mr. NEAL and I have worked for sometime to correct this inequitable situation.

Current law allows wholesalers of imported spirits to defer the federal excise tax (''FET'') on such products until they are removed from a custom bonded warehouse for sale to a retailer. In contrast, the FET on U.S. produced spirits must be paid ''up front'' when the wholesaler purchases the product from a distiller; custom bonded warehouses cannot be used for domestic distilled products. This means that the FET on U.S. produced spirits must be prepaid by the wholesaler, and carried as a part of his inventory cost for as long as it takes to sell that product out of his warehouse.

Couple this disparity in time of payment with the fact that distilled spirits are the most highly taxed of all products, and you begin to understand the seriousness of the problem. At $13.50 per proof gallon, the FET represents virtually 40 percent of the average wholesaler's inventory cost. To make matters worse, that wholesaler will generally carry that inventory for an average of 60 days before it is sold to a retailer. The bottom line is that U.S. tax policy favors the sale of imported spirits and creates a significant financial burden for wholesalers of domestic spirits—most of which are small, family-owned businesses operating within a single state.

For the past ten years, the wholesale tier of this industry has advocated a tax law policy change referred to as ''All-in-Bond.'' Mr. NEAL and I sponsored the ''Distilled Spirits Tax Simplification Act'' at the beginning of the 106th Congress to effectuate this policy change. Simply put, it would have permitted wholesalers of domestic spirits to become bonded dealers, effectively deferring payment of the tax until sale to a retailer—as is already the case with imported spirits.

Given the obvious inequity of current law, the bill attracted the co-sponsorship of 75 of our colleagues from both sides of the aisle. As a consequence, Mr. Neal and I were successful in attaching the bill to a major tax reduction measure coming out of the Committee on Ways & Means last summer, which was subsequently approved by this body.

However, Treasury/BATF had unwarranted concerns about noncompliance and suppliers objected to a proposed fee that was required to offset any revenue costs to the federal coffers. As a result of these objections, we agreed to drop the provision in conference and go back to the drawing board to develop a better solution to the problem.

The ''Domestic Spirits Tax Equity Act'' is that better solution.

The purpose of this legislation is to compensate wholesalers for the unequal burden imposed on U.S. produced distilled spirits under current law. We do so by allowing qualified wholesalers of domestic spirits a prepaid tax adjustment tax, or PTA, which is a credit against their annual federal income tax.

The PTA is determined through a simple formula. It is equal to 40 percent of the amount paid for domestically produced spirits, times the IRS' applicable federal rate over a 60-day period. The PTA was crafted with simplicity in mind. The elements of the formula are easily verifiable and understandable by the wholesaler and the IRS, and the formula results in an accurate overall measure of the unequal float costs. In addition, unlike the All-in-Bond proposal, this bill does not change the current FET collection system.

Mr. Speaker, I urge my colleagues to join me in this effort to eliminate the unequal tax treatment imposed on U.S. produced distilled spirits. The PTA is a simple and targeted solution, which addresses the problem, and I look forward to passing this measure into law.

HONORING HAROLD WESTESEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor a remarkable gentleman, Harold Westesen, of Olathe, Colorado. Mr. Westesen was recently honored by Mayor

Bill Patterson of the Montrose Rotary Club who declared an official ''Harold Westesen Day'' in Olathe. Mr. Westesen's contributions to the citizens of western Colorado are great in number and deserve the recognition of Congress.

Mr. Westesen came from a family where education and hard work were part of everyday life. Throughout his life, he has exemplified these characteristics, earning two degrees from major institutions: a Physics and an Electrical Engineering degree from Colorado College and Purdue University, respectively. After finding competition in these fields unseemly, Harold moved to farming in the 1930's where he remained for the next 40 years.

Mr. Westesen always worked hard to make a living, but he also found time to give back to his community. Such public works as the Ridgeway Dam would not have been possible if it hadn't been for his participation. What's more, he spent over 25 years on the Montrose Memorial Hospital Board improving the health services of his community. He also spent nearly ten years as president of the Tri-County Water Conservancy District Board, making sure that farmers of western Colorado received the much needed water they deserved.

Mr. Westesen has worked hard not only for his family but also his community. His efforts to improve the health care and water issues have made western Colorado a better place to live. Mr. Westesen has gone out of his way to make where he lives a better place for all. It is with this, Mr. Speaker, that I say thank you to Harold Westesen and congratulate him on having a day named in his honor.

FIRST LIEUTENANT JOHN ARTHUR KEEPNEWS, UNITED STATES MARINE, MANHASSET, NEW YORK

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KING. Mr. Speaker, this year marks the 25th Anniversary of the end of the Vietnam War. We remember the brave and gallant service and the great sacrifice made by the sons and daughters of our great nation who served in that war. Even more important, we remember the great sacrifice made by the parents, spouses and families of those sons and daughters.

The Vietnam War has left an indelible mark on all parts of this nation of ours, including my own district in New York. St. Mary's High School, which lies within the town of Manhasset, in my district in New York, was also affected by the Vietnam War. It sent many of its sons to fight in the Vietnam War, some paying the Supreme Sacrifice in the service of our country.

During the latter part of this year, St. Mary's High School will be holding its First Annual Hall of Fame Induction Ceremony. Nominated for induction is United States Marine First Lieutenant John Arthur Keepnews of Manhasset.

John Arthur Keepnews was born in Bayside, Queens and moved with his parents and younger brother Robert to the suburban community of Manhasset in 1958. His parents bought a home at 443 Hunt Lane, nestled in the heart of beautiful Munsey Park. During that same year, he entered St. Mary's High School in Manhasset and his parents became devout St. Mary's Parishioners.

John Keepnews was your typical student at St. Mary's High School. He was a young man with a great deal of heart and potential. He was an honor student and a top runner on the St. Mary's High School Cross Country and Track Teams and on Long Island. He worked very hard at his running and as one of his former coaches put it, ''John did not have a lot of talent, but he had the tenacity of a bulldog.'' He trained in innovative ways which included running on beaches and interval, hill and weight training, at a time when distance runners merely did distance running to train. John Keepnews trained in a manner that was ahead of its time. (Today, these training methods are common to runners of all categories, as these methods provide more power and help to prevent injury.)

At St. Mary's, he was coached by Brother Thomas Joseph. In cross country, John ran in the low 14's on the legendary Cross Country course at Van Courtlandt Park in Bronx, New York. In track, John ran a 4:50 mile and a 9:52 two mile, his best event. He medaled frequently in races and enjoyed some heated rivalries. During his senior year at St. Mary's, John co-captained the track team and placed 4th in the two mile in both the indoor and outdoor Eastern States Championships. He received a track scholarship to Iona College in New York and the promise of a scholarship at Mount St. Mary's College in Maryland. John became an exceptional runner at St. Mary's and was one of the top distance runners of his time, if not in the history of St. Mary's High School.

Outside of St. Mary's he was a regular guy, who would often find his way to the field at

After graduating from St. Mary's High School in 1962, John decided to attend Mount St. Mary's College. The ''Mount'' was part of the Mason-Dixon (Athletic) Conference of the National College Athletic Association (NCAA). Pursuing his running career here, John placed second in the two mile during the 1963 Outdoor Mason-Dixon Conference Championships and helped to contribute to the first ever Mount St. Mary's College track title. John was also instrumental in helping the team win the 1964 cross-country conference crown and the track title. He ran 4:37 for the mile, placed 4th in the 1962 Loyola Cross-Country Invitational, placed 5th in the 1963 Outdoor Track NCAA Atlantic Coast Regional 2 mile race and won the mile and two mile on numerous occasions. He was named All-Conference on several occasions and may have held at one point both the cross country and two mile records.

Graduating from Mount St. Mary's College in 1966, John entered the Marine Corps Officer Candidate School (OCS) and was commissioned a Second Lieutenant. He graduated from The Basic School in Quantico, Virginia as an infantry officer and waived his overseas control date and requested orders to Vietnam. In early 1968 (just in time for the Tet Offensive), John was a Platoon Commander and Executive Officer of F Company, 2nd Battalion, 9th Marines, 3rd Marine Division. His unit spent all of its time just below the Demilitarized Zone (DMZ), near places that are now legend in the Marine Corps: Khe Sanh, Con Thien, Camp Carroll, Quang Tri and the Rockpile. As were all the Marines in I Corps (the northernmost provinces of Vietnam), John's unit was in almost constant contact with North Vietnamese Army regulars. On a daily basis, John and his unit sought out, closed with and destroyed the best trained, best equipped and best led units of the North Vietnamese Army.

Tragically, we lost this Great American and outstanding Marine from Manhasset on June 7, 1968. It was at the time of his death that his brother Robert was commissioned a Second Lieutenant in the United States Marine Corps. First Lieutenant John Arthur Keepnews was killed as a result of multiple shrapnel wounds received near Landing Zone Stud (later renamed the Vandergrift Combat Base) in Quang Tri Province, South Vietnam. His death coincided with the 170th Anniversary of the formal establishment of the Marine Corps by the United States Government. It was in June of 1798 that Congress legally established the Marine Corps as a separate Department of the Navy.

As a result of his brave and gallant service and self sacrifice as a United States Marine during the Vietnam War, Lt. Keepnews was awarded a Purple Heart, Combat Action Ribbon, Meritorious Unit Commendation, National Defense Service Medal, Vietnam Service Medal with three bronze stars, Republic of Vietnam Meritorious Unit Commendation (Gallantry Cross Color) and Republic of Vietnam Campaign Medal.

At the time of his death in June of 1968, Lt. Keepnews was survived by his parents Arthur J. and Mary E. Keepnews, his younger brother Robert, his wife Patricia and his 5 month old daughter he had never seen, Margaret Ann.

We have much to be thankful for First Lieutenant John Arthur Keepnews and extend appreciation not just for his supreme sacrifice in the service of our country, but also the great sacrifice made by his family. We will forever remember John Keepnews, his humor, wit, hard work, perseverance, athleticism and bravery. I am proud to know that John Keepnews was a resident of my district, the 3rd Congressional District of New York. I know full well that when a young person joins the St. Mary's High School Cross Country and Track teams, John Keepnews will be with them placing hope and encouragement in them with each stride they take, in each race they compete in.

First Lieutenant John Arthur Keepnews is a true representative of St. Mary's, of Manhasset, his country and his family. He represents the highest character of morals and bravery and embodies the spirit and principles of what it means to be a Great American. He is a person we are and will always be extremely proud of.

In closing, I would like the members of this chamber to join me in remembering a true American Patriot and support his nomination for Induction into the St. Mary's High School Hall of Fame.

HONORING STUART SCHNEIDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Stuart Schneider on an award he recently received from the National Park Service. Stuart is the Chief of Visitor and Resource Protection at Great Sand Dunes National Monument in Colorado—a treasure that shares a special place in my heart. Recently he received the Harry Yount National Park Ranger Award, honoring him for his outstanding excellence in his field. Clearly, Stuart is eminently deserving of this high honor.

For years, Stuart has been highly respected in the land management community for his commitment to preserving and protecting our public lands, particularly the Great Sand Dunes. He has played an instrumental role in the creation and maintenance of the Backcountry Management Plan, the Wildland Fire Management Plan, as well as the Safety and Risk Management Plan. His efforts to preserve the integrity of this natural treasure has earned him not only respect from his peers, but also this distinguished award.

Stuart's professional excellence is perhaps best summarized by comments made by National Park Director Robert Stanton in a recent news release announcing that Stuart had won this award: ''Ranger Schneider has demonstrated a genuine commitment to the field of rangering. He has a tremendous passion and respect for the National Park Service along with a strong command of traditional ranger skills.''

Ranger Schneider's commitment to preserving and protecting America's natural heritage is remarkable. He has helped to make America's national treasures safer for the millions of tourists that visit them each year. His efforts are well deserving of the distinguished award and the praise of the U.S. Congress.

Mr. Speaker, at this time I would ask that we all extend our sincerest congratulations to a well deserving Ranger, Stuart Schneider.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Congressmen LAZIO and HOYER are to be saluted for their hard work in ensuning that the Developmental Disabilities Act (DD Act) will be reauthorized this year. The bill before the House is very similar to the DD Act reauthorization which passed the other chamber by a vote of 99–0. It is bipartisan in nature, and I urge that the House pass this legislation today.

It is estimated that there are more than 4 million individuals living with developmental disabilities in our nation today. To ensure that these individuals have access to programs which allow them to live life to their fullest potential, this reauthorization continues funding for programs which have proven effective over the past decades.

There are four major, historic components of the DD Act. These are: (1) State Developmental Disability Councils, which advise governors and state agencies about the best ways to meet the needs of individuals with developmental disabilities; (2) protection and advocacy systems, which ensure that individuals living with developmental disabilities are protected from neglect, abuse, exploitation, and the violation of their legal and human rights; (3) University Affiliated Programs, much like the one at the Medical College of Virginia, which train the professionals of tomorrow who will treat individuals with developmental disabilities; and (4) projects of national significance.

Beyond providing DD Councils, P & A systems and University Affiliated Programs with greater flexibility, the bill also includes a Title which creates the Reaching Up Scholarship Program to provide vouchers for individuals who provide direct support to individuals with developmental disabilities.

Importantly, the bill contains language which ensures that individuals with developmental disabilities, along with their families, are the primary decisionmakers regarding the services and supports such individuals and their families receive, including the choice of where the individuals should live. We have heard from one group, the Voice of the Retarded, who is concerned that this language does not go far enough in protecting residential choice for individuals with developmental disabilities. So I want to make it clear that the Act before us in no way is meant to preclude residential choice. It is not intended to send a signal that the Federal government supports closing certain facilities, or that the Federal government opposes such actions. Instead, these decisions are to be left to the individual States. Because I believe the concerns of the Voice of the Retarded are heartfelt and legitimate, I pledge to work with them in the implementation of this Act, and to ask the General Accounting Office to investigate whether individuals with developmental disabilities are precluded from choosing the residential option of their preference.

As a last note, I want to stress the importance of family support programs. The other body included in their reauthorization a Title which would allow States to compete for family support grants, intended to help families raising children with developmental disabilities. While the bill before us does not contain such a Title, I want to assure the disability community that I will do all in my power to fight for this Title in Conference.

INTRODUCTION OF MEDICARE INTERNET SITE FOR THE SAFE PURCHASE OF PRESCRIPTION DRUGS AT THE BEST DOMESTIC AND INTERNATIONAL PRICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Prescription Drug Internet Access Act of 2000. This bill will allow Medicare beneficiaries to purchase safe, FDA-approved medication through a Med ica re-ap proved internet site from US and international suppliers at the lowest possible prices.

Prescription drug costs are the highest they have ever been. The cost of prescription medicine increased between 15 and 25 percent over the past year. As a result, many of our nation's seniors either resort to reducing their dosage to stretch their supply or simply go without their needed medication.

Residents of other countries pay less for the same prescription medicine that our seniors get in the US. Much of the extra cost is related to marketing and advertising of drugs. Twenty to thirty cents of every dollar spent on a prescription drug goes to the advertising and marketing of the product.

Why should Medicare beneficiaries in the United States have to pay more than residents of other countries for the same medication?

Under the bill I am introducing today, Medicare beneficiaries would have access to those lower prices from a safe, certified-reliable source. All a beneficiary, doctor, or a pharmacy serving a beneficiary has to do is click on the Medicare home page, type in their prescription, and up pops the five lowest prices for their medicine, available from domestic and international suppliers. The beneficiary submits their prescription to the internet pharmacy, and gets their medicine at the price he or she selects, through the mail, by express delivery, or at their local retail pharmacy. There is no lag time in pricing because these prices will be available on a ''real time'' basis. Existing domestic internet pharmacies are eligible to compete for business on this official Medicare website.

The only medicine that contracting internet pharmacies would be able to sell is FDA-approved medicine manufactured in FDA-approved facilities. We have the best drug approval process in the world. The federal Food and Drug Administration sends inspectors to other countries to examine the quality of the medicine, storage conditions and facilities, distribution of the medicine, and manufacturing facilities of foreign companies before they can import drugs into the United States. Internet pharmacies, under this bill, would only be able to import prescription medicine from approved companies that have been inspected by the FDA.

There are problems that exist today with phony websites pawning counterfeit medicine to unsuspecting people. This bill addresses the issue of so-called ''rogue'' websites. It establishes a uniform set of criteria to which contracting internet pharmacies must adhere or face criminal and financial consequences.

Among other criteria, internet pharmacies would have to be licensed in all 50 states as a pharmacy, fully comply with State and Federal laws, and only dispense medicine with a valid prescription through a licensed practitioner.

As an added precaution, internet pharmacies would be required to display a Medicare Seal of Approval which serves to authenticate the website. The sea[would directly link to a secure webpage operated by the Medicare contractor which verifies the internet pharmacy's legitimacy.

I am proud to introduce the Medicare Prescription Drug Internet Access Act of 2000. It is unfair that seniors in the US are forced to shoulder a greater burden in higher drug costs. I urge your support of this bill which would allow Medicare beneficiaries access to safe, FDA-approved prescription medicines at lower prices.

AUGUST CITIZEN OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to name Garden City resident Indu Jaiswal, the Director of Nutrition Services for the Promenade Rehabilitation and Health Care Center in Rockaway Park, as the Citizen of the Month in the Fourth Congressional District for August 2000.

Indu is a prominent leader in both the Indian Community on Long Island and in her nutritional profession. As a nurse, I know how nutrition is directly related to the good health and extended lives of people.

Indu also works as a Clinical Nutritionist for the Western Queens Health Associates and represents the Dietary Department at Administrative and Medical Board Meetings. She organizes treatment programs for patient education as well as for diabetic teams. She is involved in the planning, directing, implementing, and evaluating of all activities of the Food Service Department.

Indu is a health care professional who is also interested in the health of her community. She actively participates in many community activities. She served as President of the India Association of Long Island, Secretary of the Federation of the Indian Association in New York, New Jersey, and Connecticut, and the Vice President of the India Study Center at Stony Brook University. She also serves as a Board member of the Youth Council of Nassau County.

Along with caring for her Long Island patients in an office setting, Indu cares for all Long Islanders by sending out her good health messages on radio and television airways.

The contributions that Indu has made to our community are astounding.

Indu is a graduate of the University of Delhi in New Delhi, India. She completed her post graduate requirements at Long Island University, C.W. Post Campus. Before working for the Promenade Rehabilitation and Health Care Center, Indu worked for the Central Island Nursing Home in Plainview, The Health Related Nutrition Services, The Dialysis Clearing Center of Long Island, and Winthrop University Hospital. She is a resident of Garden City.

The Citizen of the Month program is aimed at highlighting the work of community activists. Each month, I will recognize a different person or group that has contributed to the betterment of our Long Island community.

HONORING JOE R. JANOSEC

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize the outstanding service of the Honorable Joe R. Janosec, of Moffat County, Colorado. Mr. Janosec is retiring as Moffat County Commissioner after nearly a decade of service to his community. Joe's commitment to public service is obvious to all those around him and his contributions to his community have been many.

Mr. Janosec began working in Colorado as an educator in 1962. His desire to educate America's youth led him to a career in education that spanned almost three decades. After serving as principal of Moffat County High School, he turned to elected office where his involvement was immense and his service admirable. In addition, Joe brought strong leadership abilities to a vast array of groups and organizations serving as a member of the Executive Board of the Colorado High School Activities Board, president of Western District CCI, Chair of the AGNC Coal Issues Committee and the Regional Transportation Committee.

Mr. Janosec's natural ability to lead and desire to serve his fellow man will be greatly missed. He had donated nearly a decade to serving his community and has ensured that it is a better place in which to live.

A TRIBUTE TO JOHN SPODOFORA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. SAXTON. Mr. Speaker, today I rise to pay tribute to a great environmentalist, a dedicated citizen, and a good friend.

John Spodofora has been a member of the Stafford Township Council since 1988, serving as the esteemed Chairman of the Environmental Commission. Under his leadership, Stafford Township has become the most recognized areas in our country for its environmental efforts. No doubt this is due in great part to the tremendous contributions John has made to help ensure Stafford Township is kept environmentally sound.

On many occasions, John's efforts have resulted in prestigious awards for his community. For eleven consecutive years, Stafford Township has received the "National Tree City USA Award" from the National Arbor Day Foundation. In fact, Stafford County also received the "National Arbor Day Foundation Growth Award", which is the highest designation a Tree City can achieve. The Township was a recipient of this award for nine consecutive years. No other community in the United States has won this award more than Stafford Township,

Other awards Stafford Township has received under John Spodofora's leadership include the "Association of New Jersey Environmental Commission's First Place Environmental Achievement Award" (1987–1991), the "National Groundwater Guardian Award" (1994–2000), the "New Jersey Department of Environmental Protection Conservation Award" (1993–1994), the "National Arbor Day Foundation Special Merit Award" (2000), the "National Renew America Conservation Award" (1991–1995), First Place "Quality New Jersey Award" for improvements to beach and water quality (1992), NJDEP First Place "Green Community Achievement Award" (1994), National "Take Pride in America Aware" (1994), Environmental Protection Agency's "First Place National Award of Excellence" (1994), and the NJDEP "New Jersey Environmental Excellence Award" for clean and plentiful water (2000).

On many occasions, John has been personally recognized for his environmental innovations and efforts towards making the Stafford community a better one. In fact, one of my proudest moments was nominating John for the "National Theodore Roosevelt Conservation Award" back in 1990. President George Bush presented this award to John during a special ceremony at the White House.

Throughout my time in public office, few people have impressed me more than John. His dedication to the preservation of our natural habitat is unmatched. In many ways, John's efforts have made Stafford Township a better place to live today.

Even more importantly, his environmental contributions will have a lasting impact on this community for years to come. Future generations will be surrounded by a beautiful and bountiful natural habitat thanks to John. He has blessed us with the gift of a healthy and safe environment that our children and grandchildren will enjoy for many, many years.

I strongly commend John for all he has done for Stafford Township and am honored to pay him tribute.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I was granted a leave of absence and missed votes during the month of July, I would now like to enter into the RECORD how I would have voted had I been present.

I was unable to vote on Rollcall No. 373: H. Amdt. 962 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 374: H. Amdt. 963 to H.R. 4461. Had I been present, I would have voted "no."

I was unable to vote on Rollcall No. 375: H. Amdt. 964 to H.R. 4461. Had I been present, I would have voted "yes."

I was unable to vote on Rollcall No. 376: H. Amdt. 966 to H.R. 4461. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 377: H. Amdt. 967 to H.R. 4461. Had I been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 378: H. Amdt. 971 to H.R. 4461. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall 379: H. Con Res. 253. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 380: H.R. 4442. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 381: H. Res. 415. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 382: H. Amdt. 973 to H.R. 4461. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 383: H. Amdt. 976, to H.R. 4461. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 384: H. Amdt. 977 to H.R. 4461. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 385: H.R. 4461. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 386, approval of the journal. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 387 H. Res. 545 to H.R. 4810. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 388: H.R. 3298 Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 389: H.R. 4169. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 390: H. Amdt. 979 to H.R. 4810. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 391: to H.R. 4810. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 392: H.R. 4810. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 393: H.R. 4447. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 394: On Agreeing to the Resolution related to consideration of H.R. 4811. Had I been present, I would have voted ''no,'' I was unable to vote on Rollcall No. 395: On closing portions of the conference related to H.R. 4576, the Department of Defense Appropriations Act for FY 2001. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 396: H. Amdt. 997 to H.R. 4811. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 397: H. Amdt. 982 to H.R. 4811. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 398: H. Amdt. 983 to H.R. 4811. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 399: H. Amdt. 1001 to H.R. 4811. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 400: passage of H.R. 4811. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 401: H. Res. 534. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 402: H. Res. 319. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 403: H. Res. 531. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 404: H.R. 3125. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 405. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 406: passage of H.R. 3113. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall vote No. 411: H.R. 4517. If I had been present I would have voted ''yes.''

I was unable to vote on Rollcall vote No. 408: Motion to Instruct to H.R. 4810. If I had been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 409. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 410: H. Amdt. 1010 to H.R. 1102. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 411: Recommit to H. R. 1102. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 412: H.R. 1102. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 413: on passage of H.R. 4576. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 414: on passage of H.R. 4118. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall vote No. 415: Motion to instruct conferees on H.R. 4577. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall vote No. 416: H.R. 2634. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 417: H. Res. 559 to H.R. 4810. Had I been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 418: H.R. 4810. Had I been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 419: H. Res. 4871. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 420: H.R. 4871 If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 421: H. Amdt. 1013 to H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 422: H. Amdt. 1017 to H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 423: H. Amdt. 1021 to H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 424. H. Amdt. 1023 to H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 425: on passage of H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 426: H. Amdt. 1031 to H.R. 4871. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 427 H. Amdt. 1032 to H.R. 4871. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 428: Passage of H.R. 4871. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 429, H.R. 4700. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 430: H.R. 4923. Had I been available, I would have voted ''yes.''

I was unable to vote on Rollcall No. 431: H.R. 4888. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 432: passage of H.R. 4864. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 433: H.R. 1651. Had I been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 434: H.R. 2919. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 435: S. 1910. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 436. H.R. 4806. Had I been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 437: Passage of H. Con. Res. 372. Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 438: H.R. 4868, If I had been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 439: H.R. 4033. If I had been present I would have voted ''yes.''

I was unable to vote on Rollcall No. 440; H.R. 4710, If I had been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 441: H.J. Res. 99. If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 442: H. Res. 563 to H.R. 4942. If I had been present I would have voted ''no.''

I was unable to vote on Rollcall No. 443; Journal vote. If I had been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 445: on closing portions of the conference to H.R. 4205, Had I been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 446; H. Res. 568 to H.R. 4516. If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 446; H. Res. 568 to H.R. 4516. If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 447. H. Res. 564 to H.R. 4865. If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 448. H. Res. 565 to H.R. 4516. If I had been present, I would have voted ''no.''

I was unable to vote on Rollcall No. 449; H. Amdt. 1041 to H.R. 4865. If I had been present, I would have voted ''yes.''

I was unable to vote on Rollcall No. 450; Passage of H.R. 4865. If I had been present, I would have voted ''yes.''

HONORING THE LATE REVEREND MONSIGNOR OSCAR LUJAN CALVO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. UNDERWOOD. Mr. Speaker, the island of Guam recently lost a well-loved and respected religious leader. The Very Reverend Monsignor Oscar Lujan Calvo, a peacemaker, historian, and teacher, was called to his eternal rest on July 28, 2000, a few days shy of his 85th birthday. The third Chamorro to be ordained as a Roman Catholic priest, Monsignor Calvo tended to the island's faithful during the dark days of Japanese occupation during World War II. He later chose to work towards healing the wounds caused by the war and towards the preservation of Chamorro history and culture.

Known more commonly as Pale' 'Oscat, and more affectionately as ''Pale' Scot,'' Monsignor Oscar Lujan Calvo was a renowned figure in the Roman Catholic Church hierarchy as well as in the history of Guam. Born in the city of Hagatna on August 2, 1915, Monsignor Calvo received primary instruction on Guam. At the age of thirteen, he went to the Philippines to attend the San Jose Preparatory Seminary. He returned home thirteen years later and was ordained on April 5, 1941, joining Father Jose Palomo and Father Jesus Duenas, as the only other Chamorros in the Catholic priesthood of that era. He celebrated his first Mass on Easter Sunday, April 13, 1941. Eight months later, on December 8, Japanese Imperial Forces attacked Guam.

During the occupation, Monsignor Calvo conducted secret Masses in direct defiance of regulations forbidding him and Guam's two other men of the cloth, Father Jesus Baza Duenas and Baptist minister, Reverend Joaquin Sablan, from practicing their faiths. Upon the execution of Father Duenas at the hands of the Japanese occupiers, the burden of tending to the island's faithful, roughly 20,000 Roman Catholics, rested solely upon the monsignor. This difficult task was gladly accepted by the monsignor. He performed with grace and distinction. During this period, the monsignor also made an attempt to preserve valuable church records and artifacts by secretly removing the church valuables to a safer location. Unfortunately, these items were not spared from the intense American bombardment during the liberation of Guam. Records of births, deaths and marriages dating back to the 1700s were destroyed. It was this immense loss that inspired Pale' 'Scot to become such an avid collector of artifacts and written materials about Guam and its people.

After having undergone the trials and tribulations brought about by the war, the good monsignor worked hard to heal the wounds it had caused. He played a major role in the establishment of the Guam Peace Memorial Park. This park, funded entirely by private Japanese donations, was dedicated as a tribute in memory of the Japanese and Chamorros who died during the war. In recognition of his efforts to promote peace, friendship and goodwill, the Japanese Government conferred upon him its distinguished Order of the Rising Sun with gold and silver rays. He was the first American to receive this prestigious award.

Monsignor Calvo was awarded the title of Honorary Papal Chamberlain in 1947. A charter member of the Fr. San Vitores Council of the Knights of Columbus, he was elevated to the order of 4th degree knight in 1968. The monsignor was inducted a knight in the Sovereign Military Hospitaller Order of St. John of Jerusalem, of Rhodes, and of Malta, with the title of Magistral Chaplain in 1977. During Pope John Paul II's visit to Guam in 1981, the monsignor received the ''Kiss of Peace'' from the pontiff.

A lifetime spent serving the Church and the people of Guam culminated last year with the dedication of the Monsignor Oscar Lujan Calvo Gallery at the Dulce Nombre de Maria Cathedral-Basilica in Hagatna in December. The museum is a fitting tribute to a man who has been a spiritual advisor, a civic leader, a historian and teacher. It houses a vast number of the historic documents, books, publications, photographs, and artifacts the monsignor has carefully collected and lovingly preserved over many years. With the dedication of the Monsignor Oscar Lujan Calvo Gallery, we were granted the opportunity to benefit from the monsignor's diligent efforts to preserve, protect, and promote Chamorro culture and history.

It is an impossible task to give an exact accounting of the monsignor's laudable accomplishments and vast contributions to the island of Guam. The legacy he leaves behind is unequaled. I join his family and the people of Guam in celebrating his life and accomplishments and mourning the loss of a truly great man. Adios Pale' Scot.

TRIBUTE TO SPECIAL AGENT STANLEY J. ''CHIP'' AMROZOWICZ

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. QUINN. Mr. Speaker, I am honored today to pay tribute and officially recognize the retirement of my good friend, Special Agent Stanley ''Chip'' Amrozowicz.

Known by many as ''Chip A-to-Z,'' Special Agent Amrozowicz has distinguished himself as a proud example of service, leadership, and professionalism in law enforcement. His excellent career with the Federal Bureau of Investigation is one of dedication and achievement.

Throughout his service with the Federal Bureau of Investigation, Chip has been assigned to the Organized Crime/Narcotics Squad, the White Collar Crime Squad, the Foreign Counter-Intelligence Squad and the Reactive Squad. In 1988, he formed the Special Operations Group within the Buffalo Division that oversees all undercover activities.

Prior to his appointment as Special Agent, Chip served the Nation as an Officer in the United States Army. He was an Infantry Platoon Leader and Infantry Company Commander with the Army during the war in Vietnam. That bravery, patriotism, and valor would serve him well when he returned and began service with the Federal Bureau of Investigation.

His current duties with the Bureau highlight his extensive experience and ability to lead. As the Police Training Coordinator, FBI National Academy Coordinator, Employee Assistance Program Coordinator and Police Instructor, Chip has helped ensure that the next generation of Agents working with the FBI in Buffalo will be as skilled as those in the past. In addition to those important duties, Chip also serves as Special Weapons and Tactics Reserve Commander and the Canadian Liaison Agent. It is plain to see that Chip's service to the FBI has been outstanding, and will undoubtedly be missed.

Mr. Speaker, today I am proud to join with the Amrozowicz family in commending Chip on a job well done. With retirement comes many new opportunities, both personal and professional. May Chip meet each of these opportunities with the same vigor and commitment as he did throughout his brilliant career, and may those opportunities be as fruitful as those in his past.

INTRODUCTION OF LEGISLATION NAMING THE ''GARDNER C. GRANT POST OFFICE BUILDING''

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to introduce legislation to rename the Post Office in Cherryfield, Maine after the town's long-time Postmaster, Gardner C. Grant.

In rural Maine, as in rural areas all across the country, the Post Office is more than just a place to get your mail, and the Postmaster is more than just an employee. The Post Office is a gathering place, where neighbors catch up and exchange information. The Postmaster is part of the community, sharing news and helping everyone.

Gardner Grant served as Postmaster in Cherryfield for a remarkable 27 years. He also has been an active part of the community, serving as a Selectman, Academy Trustee, Planning Board member and an assessor. Gardner and his family—his wife Virginia and their two sons—are part of the very fabric of this Down East Maine town.

Gardner's service has earned him the admiration and respect of the people of Cherryfield. To honor him, I have been asked to submit this legislation to designate the Gardner C. Grant Post Office Building. I am proud to do so. Gardner Grant has served Cherryfield with distinction, and I agree that naming the Post Office in his honor would be a fitting tribute. I look forward to working with my colleagues to pass this legislation into law.

TRIBUTE TO MR. RAY G. SMITH, AMERICAN LEGION NATIONAL COMMANDER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor my friend, Ray G. Smith.

Ray will be sworn in as the National Commander of the American Legion at their annual convention today. No one is more deserving of this honor than Ray G. Smith. As a 45-year member of the American Legion, he has steadily gained the respect of Legionnaires all across the country.

Like me, Ray grew up in Johnston County, North Carolina. He joined the Air Force in 1951 and saw active duty during the Korean War. He served in the 20th Air Force, 19th Bomb Wing at Anderson Air Force Base in Guam, where his specialized training in engineering required him to spend much of his time during the war traveling throughout the Pacific and Southeast Asia.

Ray's military service did not end when he left active duty in 1955. He spent four years in the active Air Force Reserves and was honorably discharged in 1959. On September 7, 1955, the day after he was discharged from the Air Force, Ray became a member of the American Legion. Since then, he has risen steadily through the ranks. Ray has held numerous offices at the post, district, department and national levels, including North Carolina Department Commander in 1979 and National Vice Commander in 1988.

Ray's campaign for National Commander has taken the better part of two years and sent him all over the country. Being named National Commander of the American Legion is an enormous responsibility, but Ray's dedication and years of loyal service have proven that no one is more capable or worthy of this high honor. Only the second North Carolinian to serve as national commander, Ray will oversee an organization that has grown to 2.8 million strong since it was created by Congress in 1919. As National Commander, one of Ray's main duties will involve working with us here in Congress to ensure that those who have sacrificed so much for our country receive the benefits they have earned.

As a veteran of the United States Army myself, I look forward to working with Ray and all members of the American Legion on issues that are important to veterans. As we celebrate Ray's swearing in today, let us each take a moment to honor our veterans. For each of us, freedom is a way of life, a legacy left to us by our nation's founders. This freedom is costly. America owes veterans a debt of gratitude for their sacrifices. It is the service of these genuine American heroes that has helped make this country great.

Mr. Speaker, no one is more qualified to represent and lead these heroes than my friend Ray G. Smith.

HONORING THE ''YES WEEK'' SUMMER CAMP FOR DETERRING YOUNG PEOPLE FROM DRUG AND ALCOHOL USE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. GEKAS. Mr. Speaker, today I honor and draw attention to the YES Week Summer Camp which was sponsored by High on Kids. High on Kids is a wonderful program started by the Lower Dauphin School District's community advisory committee on drug and alcohol abuse prevention.

YES Week was held at Camp Sertoma in Linglestown and Memorial Lake in Lebanon. Almost forty children took part in this exciting program. The YES Week camp teaches young people that life is worth living through adventurous activities without drugs and alcohol.

The fine students who attended this camp climbed and rappelled walls, negotiated highwires and canoed down the mighty Susquehanna River. They learned through team-building exercises that much can be accomplished if they work together. Our young people need to learn that life is full of amazing and exhilarating adventures. When they learn that there is so much to live for, drugs and alcohol lose their power.

On Thursday, August 10, I had the pleasure of seeing this camp first hand and meeting with the young people who made a choice. They made a life-saving choice not to do drugs and to join with fellow students in something much greater. These young folks should be very proud of themselves for their determination to succeed and not to give into the temptations that lead to poisoned bodies and ruined lives.

America needs more programs like this. Programs where adults demonstrate leadership by doing. This is a vivid example of how children can learn life-lessons by adults guiding them and shaping their lives. Many volunteers made this camp possible. Our thanks go out to them for their service to the community.

I would like to recognize these young people for their determination to achieve success and to refuse drugs and alcohol. They are Juan Alejando, Jose Aleman, Thomas Barger, Jeremiah Bechtel, Kaleo Billet, Tyler Boehmer, Kaitlyn Brown, Eric Buck, Maggie Boyd, Lindsay Cale, Sara Cale, Brian Davis, Michael Day, Joseph Decembrino, Amanda Ebersole, Amanda Fahnestock, Laura Fahnestock, Dierra Fahnestock, Abby Fosnot, Jenna Gerhardt, Jamie Hall, Alex Hannold, Samuel Hansen, Matthew Hoerner, Lawrence Jack, Dominique Krow, Andrew Mattei, Matthew Mattei, Adam McClucas, Daniel Mullarkey, Ashley Oswald, Brian Pagano, Kelsey Roth, Adam Thomas, Joshua Thomas, Meredith Thomas, Nicholas Vickroy, Richie Vickroy, Jennifer Winters, and Bobbie Wreski.

I am very proud of you all. I know the entire House of Representatives joins me in congratulating this outstanding group of young people from Harrisburg for saying no to drugs and YES to life.

A TRIBUTE TO SHERIFF RONALD E. HEWETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Sheriff Ronald E. Hewett of Brunswick County in the great state of North Carolina. Sheriff Hewett was recently named Sheriff of the Year for eastern North Carolina. This award was given to him in recognition of his outstanding service to the North Carolina Sheriff's Association on behalf of the citizens of Brunswick County.

Beginning on his twentieth birthday in 1983 when he became the youngest certified Law Enforcement Officer in North Carolina, Sheriff Hewett has dedicated his entire career to protecting and promoting the rights of others. While continuing to work full-time as a law enforcement officer in Brunswick County, Sheriff Hewett completed his education at the University of North Carolina at Wilmington and graduated in 1985 with a degree in criminal justice. Not long afterwards, he was promoted to uniform Patrol Sergeant in 1987 and rose in the ranks to become a lieutenant in 1990. He was then placed in charge of establishing the Drug Abuse Resistance Education (DARE) program for Brunswick County and was named United States DARE officer of the Year in 1993 for his outstanding leadership.

Since his election as Sheriff in 1994, Sheriff Hewett has fought hard to make Brunswick County a safer place to live and work for those who call it home. He has made combating illegal drugs and domestic violence two of his top priorities. Under his leadership, the Brunswick County Sheriff's Office has arrested over twelve hundred individuals for 2,300 narcotics charges and established the county's first Domestic Violence Unit.

In addition, Sheriff Hewett has also been recognized for his selfless service to the community with the establishment of a volunteer Buddy Program at the Bolivia Elementary School. As a result, the Brunswick County Sheriff's Office was named by Governor Hunt as one of the most outstanding volunteer agencies in the state in 1998.

President John F. Kennedy once said, ''For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?''

Brunswick County Sheriff Ronald Hewett will truthfully be able to answer each of these questions in the affirmative! He is indeed a man of courage, judgment, integrity, and dedication. Sheriff Hewett, may God's strength, joy, and peace be with you and your family as you continue your service and commitment to your fellow citizens.

TRIBUTE TO CAROLYN L. WILBERDING

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Carolyn L. Wilberding, who has recently retired as an elementary school teacher from the 4th Congressional District of Michigan.

It has been said that a teacher effects eternity, she can never tell where her influence ends. These words certainly apply to Carolyn L. Wilberding. For over three decades, Carolyn educated hundreds of Mid-Michigan's elementary school children. Not only was she seen as a leader by her peers but an educator by her students. Her positive impact on her students and their families is truly incalculable.

Mrs. Wilberding retires knowing she achieved that intangible, often elusive goal that haunts the careers of many, she made a difference.

I would like to commend Mrs. Wilberding for her service to her students and congratulate her on her retirement.

Mrs. Wilberding's contribution to education and the community make her an outstanding role model and a respected professional in her field. On behalf of the residents of the 4th Congressional District of Michigan, I am honored to recognize Mrs. Wilberding and her accomplishments.

TRIBUTE TO OLYMPIC ATHLETES

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FARR of California. Mr. Speaker, It is with great excitement that I rise today to honor four outstanding athletes from California's 17th District, Alvin and Calvin Harrison, Ramiro Corrales, and Ellen Wilson. These young Americans will be representing the United States of America in the Olympic Games in Sydney, Australia this September, and I am proud to congratulate them on their achievements.

Seated twelfth and fifteenth when the trials began, twins Alvin and Calvin Harrison beat the odds on Sunday, July 16, 2000, in Sacramento, and came in second and fifth place in the 400 meters, becoming the first twins to reach the Olympics in the same event. Further, it is likely that they will become the first set of twins to run together in the 1600 meter relay. I am pleased that the Harrisons achieved this historic victory on their own, opting not to train with a track club in favor of training together in Salinas, California.

Likewise, another Salinas native, Ramiro Corrales will be representing the United States as a defensive specialist on the United States' Olympic soccer team. Corrales is already extremely accomplished in major league soccer, having played for the San Jose Earthquakes, the Miami Fusion, and the New York Metro Stars. He is also well known in his league for his defensive prowess and talent.

And finally, Ellen Wilson, a three-time medalist at the Pan American Judo Championships and Salinas resident, will compete in Sydney as a member of the United States judo team. Wilson is ranked number one in judo in the United States and was a member of the World Team in judo in 1997 and 1999. She has won 1,500 judo matches in her career, and we anticipate that she will come out victorious in Sydney.

California's 17th District is proud to have these four young athletes representing the United States in this summer's Olympic Games. Salinas is delighted to be one of the only cities of its size to send so many wonderful athletes to the Games. It is truly a tribute to the community and to the families, coaches, and friends, that have supported these athletes to see them competing in such a renowned arena.

Mr. Speaker, I am pleased to wish these outstanding athletes good luck this September, and I am honored to congratulate them on their outstanding achievements.

IN HONOR OF JIM PETRO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Jim Petro, Ohio Auditor of State, chief inspector and supervisor of public offices in the State of Ohio.

Mr. Petro has served Ohio in both the public and the private sector. His legal experience spans more than 25 years as a practicing attorney, law partner, city law director and criminal prosecutor. He served eight years in the Ohio House of Representatives and was a ranking member of the House Ethics Committee. He also served as a Cuyahoga County Commissioner for four years, including one as President of the Commission.

Mr. Petro is currently serving his second term as Ohio Auditor of State, responsible for overseeing the financial condition and legal compliance of all 4,500 units of government in Ohio. He has served that challenging role with professionalism and integrity. He has advocated accountability with tax dollars and worked to uncover instances of fraud, waste and abuse in government. He has saved taxpayers millions of dollars. Under his leadership the Audit office has contributed to the improvement of public services. Mr. Petro has been awarded the Mercedes Cotner Scholarship in recognition of his public service.

I ask my colleagues in the House of Representatives to join me today in honoring Ohio's Auditor, Jim Petro.

AMBUSH MARKETING

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. RYUN of Kansas. Mr. Speaker, with the Olympic Games scheduled to begin shortly in Sydney, Australia, now is an exciting time for all Americans, and we all have high hopes for our U.S. Olympic team. As I can attest through personal experience, these athletes have been working for many years to arrive at this point in their careers and we certainly wish all of them the best of luck.

As these talented and dedicated men and women travel across the world to Sydney they should be reassured by the recognition that they have the complete support of all of us back here in the United States, including a number of major U.S. companies. These companies are the official Olympic sponsors who have invested millions of dollars to ensure that the United States can fully participate in the Olympic Games. However, these companies have been plagued in the past by a problem that is expected to rear its ugly head again in Sydney. The problem is ''ambush marketing,'' a practice in which companies with no relationship to the Olympic Movement nevertheless deceptively portray themselves as being associated with it, thus diminishing the value of an authorized sponsorship, and ultimately depriving American athletes of the necessary funds to prepare for Olympic competition.

The Ted Stevens Olympic and Amateur Sports Act places with the United States Olympic Committee the responsibility for providing the financial support for American athletes, and for developing all athletic activity in the U.S. related to international competition. All funds for the training and preparation of our athletes for competition in the Olympic, Pan American, and Paralympic Games are generated through private sources, such as Olympic sponsorships, rather than from a government appropriation. Indeed, the USOC is the only National Olympic Committee from throughout the world that receives no government funding, and it is for this reason that the USOC declares with a degree of pride that ''America does not send its athletes to the Olympic Games, Americans do.''

Apparently the act that gave the USOC the tools to fund its athlete programs privately needs strengthening to ensure that they are not devalued through deceptive practices of ambush advertisers. Congress should consider improvements to the Ted Stevens Olympic and Amateur Sports Act to prevent harm to the Olympic movement, legitimate official sponsors, and, most important, America's Olympic athletes. I look forward to monitoring the activities surrounding the Summer Games and exploring ways in which we can ensure that the intent and spirit of the Ted Stevens Olympic and Amateur Sports Act are followed.

A SALUTE TO JON HENDRICKS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CONYERS. Mr. Speaker, I honor on behalf of the Congressional Black Caucus and salute the lifetime achievements of one of the most important artists in American music history. Jazz vocalist and lyricist extraordinary, Jon Hendricks is widely regarded as the ''Father of Vocalese,'' a unique singing style characterized by the addition of lyrics to complex

jazz arrangements. Hendricks' impressive body of work has influenced jazz vocalists for decades. He is an ''American original,'' deserving of recognition by the Congress of the United States.

Born in Newark, OH, in 1921, Jon Hendricks began his career as an entertainer singing in the choir of the church where his father served as pastor. He later began singing professionally in nightclubs around Toledo, OH, where his family moved and he grew up. His accompanist for two years was pianist Art Tatum, who, himself, went on to achieve great renown.

After service in the Army, Jon Hendricks returned home and studied law at the University of Toledo. One night, Hendricks was sitting in with legendary saxophonist Charlie Parker. Parker told him to give up law, come to New York City, and pursue work as a jazz singer. Two years later, Jon Hendricks did just that. He found Parker playing at an engagement in Harlem, and almost fainted when Parker invited him up on the bandstand to sing.

In addition to singing, Hendricks sought work in New York as a songwriter. His first chance to record his own material came when King Pleasure invited Hendricks to write lyrics to his version of ''Little Boy, Don't Get Scared.'' Hendricks subsequently developed into one of the greatest jazz lyricists, having authored the words to such jazz standards as ''Doodlin,'' ''Tickle Toe,'' ''Cloudburst,'' and ''Yeh Yeh.'' During the course of his career, he has composed lyrics for music written by such jazz giants as Duke Ellington, Miles Davis, Thelonius Monk, Sonny Rollins, and many others.

In the late 50s, Jon Hendricks joined Annie Ross and Dave Lambert to form the groundbreaking jazz vocal trio known as Lambert, Hendricks, and Ross. The group quickly gained fame, winning an award in Down Beat's 1959 Poll. Hendricks wrote lyrics to many of the jazz standards that were performed by the group. A trademark of his work is that each song's lyrics constitute a fully realized story. For this, he earned the nickname ''the James Joyce of Jive.''

Jon Hendricks has recorded numerous albums during his career, the latest being ''Boppin' at the Blue Note,'' released in 1995. On that particular recording, he is accompanied by a vocal ensemble that includes his wife, Judith, their daughters Michele and Aria, and Kevin Burke.

At 79, Hendricks continues to actively pursue his recording and performing career. He has been called ''The Poet Laureate of Jazz'' and ''The James Joyce of Jive.'' Among his honors are the Grammy Award, as well as Emmy and Peabody Awards for his work on the CBS–TV documentary, ''Somewhere to Lay My Weary Head.'' Congressman CONYERS, along with ASCAP, will bestow special awards upon Mr. Hendricks during a brief ceremony during the concert.

Last year, Hendricks received an honorary Doctor of Performing Arts degree from the University of Toledo. He was also named Distinguished Professor of Jazz Studies and has just begun teaching classes at the university.

Mr. Speaker, I am honored to present to this body the accomplishments of Jon Hendricks, a musical genius whose songs we all have come to enjoy.

TRIBUTE TO COACH ROBERT LONEY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Coach Robert Loney. For 42 years, Coach Loney has inspired students and athletes to strive for their personal best.

A native Californian, Coach Loney was born in Riverside and grew up in the City of Pomona. He received his undergraduate degree at Anderson College in Indiana and completed the coursework for his masters degree at Claremont Graduate School in California.

In the fall of 1958, Coach Loney began his career at Upland High School where he taught mathematics and coached the cross country and track teams. In addition, he found time to advise several YMCA clubs. During the course of his career, Coach Loney impacted the lives of well over 1,600 student athletes.

Coach Loney's leadership resulted in 34 League Cross-Country/Track Team Championships, four California Interscholastic Federation Cross-Country/Track Team Championships, and eight California Interscholastic Federation Titles. He has coached two Olympic athletes and launched the collegiate athletic careers of hundreds of students.

While many accolades have been bestowed on Coach Loney, few can compare to the praise his former students continue to express. Years later, his former students attest that he changed their lives by offering the motivation and inspiration they needed to succeed. Coach Loney believed in his athletes, even when they did not believe in themselves.

On Saturday, September 9, 2000 hundreds of former students will return to Upland High School to celebrate Coach Loney's recent retirement. As these individuals pay tribute to a great American by running one final lap for their devoted coach, I ask that this House please join me in recognizing, honoring and commending Coach Robert Loney as an American Hero.

INTRODUCTION OF THE COMPREHENSIVE HEPATITIS C HEALTH CARE ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce the Comprehensive Hepatitis C Health Care Act. This bill would fundamentally change the way the Department of Veterans Affairs is addressing the growing Hepatitis C epidemic, and would create a national standard for testing and treating veterans for the virus.

For several years, I and other members of this chamber from across the country have been asking the VA to look at the growing problem of Hepatitis C among the veterans population, and to dedicate the necessary resources to fighting this disease. According to the Centers for Disease Control and Prevention (CDC), Hepatitis C is a disease of the liver caused by contact with the Hepatitis C virus. It is primarily spread by contact with infected blood. The CDC estimates that an estimated 1.8 percent of the population is infected with the Hepatitis C virus, although that number is much higher among veterans. Vietnam-era veterans are considered to be at greatest risk, since many may have been exposed to Hepatitis C-infected blood as a result of combat-related surgical care during the Vietnam War.

Despite all the attention to Hepatitis C, and all that we are learning about this disease, the VA still lacks a comprehensive, consistent, uniform approach to testing and treating veterans for the virus.

We know this because the VA's handling of Hepatitis C has been raised in hearings in the House, both in the VA/HUD Appropriations subcommittee, of which I am a member, as well as the House Government Reform Subcommittee on National Security, Veterans Affairs and International Relations and the Veterans Affairs Subcommittee on Benefits.

In fact, in the VA/HUD Appropriations subcommittee hearing held on March 22, 2000, former VA Secretary Togo West claimed that the VA was unable to spend all of the Fiscal Year 2000 Hepatitis C funding of $195 million because the demand was not there. He said, ''if you are hearing that we are not using all of say the $199 million that was appropriated in 2000 for hepatitis C, it would be because we are not seeing that incidence of patients that add up to that much money, essentially.''

Unfortunately, we are seeing that incidence of patients, most acutely in New Jersey and New York, but across the country as well. If the VA had properly spent the $195 million allocated in FY2000 on Hepatitis C testing and treatment, then there would have been little reason for the VA to release $20 million from the National Reserve Account on June 28, 2000. Based on the VA's own figures, the $20 million allocation was half of what the 22 Veterans Integrated Service Networks, or VISNs, had spent on Hepatitis C in just the first two quarters of FY2000 alone! This money was not even a downpayment toward the Hepatitis C costs being incurred by all 22 VISNs.

Further, only a fraction of the 3.5 million veterans enrolled nationally with the VA Health Care System have been tested to date. Part of the problem stems from a lack of qualified, full-time medical personnel to administer and analyze the tests. Most of the 172 VA hospitals in this country have only one doctor, working a half day a week, to conduct and analyze all the tests. At this rate, it will take years to test the entire enrolled population—years that many of these veterans do not have.

As a result of the VA's inaction, I am introducing the Comprehensive Hepatitis C Health Care Act.

This bill would improve access to Hepatitis C testing and treatment for all veterans, ensure that the VA spends all allocated Hepatitis C funds on testing and treatment, and set new, national policies for Hepatitis C care.

First, the bill would improve testing and treatment for veterans by requiring annual

screening tests for Vietnam-era veterans enrolled in the VA system, and provide annual tests, upon request, to other veterans enrolled in the VA system. Further, it would require the VA to treat any enrolled veteran who tests positive for the Hepatitis C virus, regardless of service-connected disability status or priority group categorization. The VA would be required to provide at least one dedicated health care professional—a doctor and a nurse—at each VA Hospital for testing and treatment of this disease.

Veterans who request a liver biopsy or Hepatitis C genotype from VA would be able to receive those tests under this bill. Under the VA's current policy, veterans in some areas of the country have been denied access to these critical tests. And, VA staff would be provided with increased training options intended to improve the quality of care for veterans with Hepatitis C. Finally, the VA is encouraged to provide each VA hospital with one staff member, preferably trained in psychiatry, psychology or social work, to coordinate treatment options and other information with patients.

This bill would increase the amount of money dedicated to Hepatitis C testing and treatment, and would make sure these funds are spent where they are needed most. Beginning in FY01, the $340 million in Hepatitis C funding would be shifted to the Specific Purpose account under the Veterans Health Administration, and will be dedicated solely for the purpose of paying for the costs associated with treating veterans with the Hepatitis C virus. The bill would allocate these funds to the 22 VISNs based on each VISN's Hepatitis C incidence rate, or the number of veterans infected with the virus. The VISNs will be allowed to use other funds to pay for the costs associated with Hepatitis C testing and treatment, but the $340 million in the Specific Purpose account could be used to pay for the costs related to Hepatitis C care.

Finally, this bill will end the confusing patchwork of policies governing the care of veterans with Hepatitis C in each of the 22 VISNs. This legislation directs the VA to develop and implement a standardized, national Hepatitis C policy for its testing protocol, treatment options and education and notification efforts. The bill further directs the VA to develop a standard, specific Hepatitis C diagnosis code for measurement and treatment purposes. Finally, the VA must develop a national "reminder system" to alert untested veterans to the need and availability of Hepatitis C testing.

Mr. Speaker, many veterans do not even realize that they may be infected with the Hepatitis C virus, and the VA is doing little to encourage them to get the critical testing they need. The VA currently lacks a comprehensive national strategy for combating this deadly disease. With the passage of the Comprehensive Hepatitis C Health Care Act, veterans will finally be provided with access to testing and treatment that they have more than earned and deserve.

The VA has known about the problem of Hepatitis C since 1992. They have not acted, and they must not be allowed to continue to push this disease under the rug. I urge my colleagues to join me in supporting this legislation.

TEN YEARS AFTER, U.S. POLICY TOWARD KUWAIT STANDS THE TEST OF TIME

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BEREUTER. Mr. Speaker, it was 10 years ago that the tiny Persian Gulf nation of Kuwait was invaded by Saddam Hussein's ruthless regime in Iraq. As a result of the exceptional leadership of President George Bush, the United States led a coalition of forces that soundly defeated the aggressor, and restored legitimate rule to Kuwait. At the time, the President's decision was heavily criticized by some; but the intervening decade has demonstrated that the decision to oppose Saddam Hussein was correct.

Mr. Speaker, it is appropriate for Members of this body to reflect on the risks that were involved in Operation Desert Storm. It was a remarkable achievement, made possible by the professionalism and dedication of our armed forces and those of our allies. In an era when politicians motives are cynically dissected by self-appointed pundits, we should be grateful that 10 years ago America stood against tyranny and barbarism.

Mr. Speaker, this Member would commend to his colleagues an editorial in the August 12, 2000, edition of the Omaha World-Herald. As this editorial correctly notes; "Operation Desert Storm prevented Iraq's dictator from spreading instability throughout the Middle East. Stopping that threat was an honorable cause of which Americans can be proud."

[From the Omaha World-Herald, Aug. 12, 2000]

GULF WAR STANDS THE TEST

This month marks the 10-year anniversary of the Iraqi invasion of Kuwait, which set the stage for the Persian Gulf War. That war has been dismissed in some circles as either a selfish and misguided attempt by the United States to maintain its dependence on foreign oil or, more cynically, as a chance for then-President George Bush to prove he was a tough guy. It was neither.

In the first place, maintaining access to gulf oil is a perfectly justifiable goal. Maintaining international access to any fundamental economic resource, and ensuring that the sea lanes remain open in one of the world's busiest maritime corridors, are legitimate security interests for the United States.

What many discussions of the Gulf War ignore is that by conquering Kuwait, Iraqi leader Saddam Hussein was working toward dominating the entire Middle East. His next step would probably have been to threaten war against Israel or Saudi Arabia. The outcome of such a regional war could have been catastrophic.

Has Saddam been allowed to retain control of Kuwait—which was a sovereign country, after all—he would have reaped an enormous financial windfall by expropriating that nation's oil. With those funds, he could have strengthened his army, which was already the fourth-largest in the world, as well as his offensive missile program, which we now know included ambitious efforts to produce chemical and biological weapons.

Even before Iraq's invasion of Kuwait, Saddam made clear in a speech that he intended to rain down "fire" on Israel—a reference widely interpreted at the time as a threat to bombard Israel with missiles. That threat became reality, of course, during the Gulf War.

The abuses perpetrated by Iraqi forces in Kuwait also demonstrated the ruthlessness of Saddam's regime. Iraqi soldiers killed at least 1,000 Kuwaiti civilians and operated at least two dozen torture sites in Kuwait City, David Scheffer, U.S. ambassador-at-large for war crimes issues, said this week. The Iraqis took thousands of hostages and used many of them as human shields. Saddam's forces, in other words, routinely and openly violated the Geneva Convention.

Additional evidence of Saddam's recklessness came in the final stages of the war, when he ordered his troops to set more than 500 Kuwait well heads on fire and open dozens of others so that more than 7 million gallons of oil spilled into the Persian Gulf.

It's true that, a decade later, Saddam's power is greatly reduced and it's increasingly hard to ignore the suffering of Iraqi civilians due to Saddam's manipulation of the international embargo.

But when it comes to the allies' action against Saddam during 1990–91, the expulsion of his forces from Kuwait was fully justified. Operation Desert Storm prevented Iraq's dictator from spreading instability throughout the Middle East. Stopping that threat was an honorable cause of which Americans can be proud.

HONORING PAULETTA SMITH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, I commemorate the dedicated public service that Pauletta Smith has given the City of Los Angeles.

Ms. Smith started her career with the City of Los Angeles on November 27, 1962 as a Clerk Typist with the Los Angeles Police Department. Two years later, she moved to the Bureau of Street Lighting and was promoted to Senior Clerk Typist. In 1975, Ms. Smith returned to the Police Department with the promotion to Personnel Aide and soon thereafter was again promoted, this time to the position of Exam Assistant. Due to her excellent work ethic and can-do attitude, Ms. Smith was again promoted to Administrative Aide in 1981 and, after only two short years, promoted to Administrative Assistant in 1983. Subsequently, her career carried her to the City's Department of Public Works, Department of Transportation, the Department of Telecommunications and the Department of General Services.

Pauletta Smith's diligent work was noticed in every assignment and in 1996 she transferred to the Office of the City Administrative Officer Emergency Preparedness Division as a Management Analyst II. She became an Emergency Preparedness Coordinator in October 1998 to oversee Citywide contingency planning for Year 2000 from which she is now retiring.

Ms. Smith has been an asset to her community, and I wish both her and her family as she joins others an active and enriching retirement.

A TRIBUTE TO WDAS RADIO

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor WDAS FM and AM Radio, one of Philadelphia's most significant cultural institutions, on its 50th anniversary.

Many of my colleagues recognize that Philadelphia is America's premier music cities. Philadelphia has a history of producing America's music. And since 1950, WDAS has been the sound of Philadelphia.

But this jewel of the airways has been more than entertainment for my neighbors and I. WDAS has also been the soul and the conscience of our city. The FM station is one of the few music outlets that has consistently maintained a commitment to producing hard news for its audience. It has always maintained an unbiased editorial department, and would class news bureau, which has produced journalistic giants like CBS' Ed Bradley or talk radio's Karen Warrington. Whether the story is an election campaign, a major fire or a local tragedy, if it happened in the past 50 years, WDAS covered it.

Mr. Speaker, WDAS AM also serves a major role in the lives of my constituents. It provides in-depth discussion of current events through magazine shows and talk programs. And worship is not left off that station's menu. My dear friend and Pennsylvania State Representative Louise Bishop hosts one of the nation's premier gospel and worship shows on that station. She brings light to the lives of so many people who are shut in and cannot get to services or who attend at a different time.

Most importantly, this station proves that music without questionable lyrics, faith based broadcasting, news and information do not have to serve as loss leaders on a station's play list. After 50 years of quality broadcasting, WDAS continues to dominate the ratings.

Mr. Speaker, I am proud of this station and all my friends who have made its success possible over the years. I know that all my colleagues will join me in honoring this monument to Philadelphia culture.

IN TRIBUTE TO ESTER GORDY EDWARDS, FOUNDER/CEO MOTOWN HISTORICAL MUSEUM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus and the Congressional Black Caucus Foundation to celebrate the cultural achievements and monumental contributions to music in both America and around the world as a result of the creative genius and work of Ester Gordy Edwards. On this special occasion, I am honored to present to the 106th Congress, a national treasure who has been one of the most important and influential historical figures of the 20th century in the development of music—Ester Gordy Edwards.

As one of the chief executives and administrators during Motown's first decade, Ester Gordy Edwards, in collaboration with her legendary brother Barry Gordy, was instrumental in the success of Motown through her administrative and talent development skills. She was one of the key architects of marketing the Motown Sound overseas, and helped to bring rhythm and blues, in particular, rhythms and harmonies from gospel music, to millions of listeners in America and around the world.

The "Motown Sound" has brought joy and delight to countless fans, and is a uniquely American art form that will endure the test of time. It is my heart felt belief that because of the work of Ester Gordy Edwards, the music and spirit of Motown will always be with us; because it is music from the heart, it is about love, peace and harmony, it is brilliant, sophisticated, dynamic, and soulful beyond description. Motown music transcends race, class, and culture. This is one of Motown's most profound and powerful historical legacies—promoting brotherhood, humanity, and love through music.

During Motown's first decade, Mrs. Edwards was head of the Artists Personal Management Division of Motown. From her director's position, she guided the career and development of world-famous recording artists, including: Diana Ross, The Supremes, Smokey Robinson, The Miracles, The Temptations, The Four Tops, Marvin Gaye, Stevie Wonder, Mary Wells, Martha Reeves, and many other outstanding artists and musicians. Simultaneously, Mrs. Edwards directed Motown's International Operations, setting up foreign licensees, and sub-publishers, worldwide. Mrs. Edwards' outstanding administration of these areas greatly enhanced Motown's phenomenal growth into the world's largest independent record manufacturer.

In 1972, when Motown Record Corporation moved its headquarters from downtown Detroit to Los Angeles, California, Mrs. Edwards remained in Detroit as head of Motown's Public Affairs Division, and CEO of Detroit operations. Ongoing public visits and public demand resulted in the official founding of the Motown Historical Museum, Inc. in 1985.

Ester Gordy Edwards is also Vice Chair of the African American Heritage Association (AAHA) which provided the African American Room in the Ethnic Heritage Center at Wayne State University. She is a former member of the National Board of Directors of the Martin Luther King, Jr. Center for Non-Violent Social Change and a former Trustee of the Founders Society of the Detroit Institute of Arts.

Mrs. Edwards is a member of Bethel A.M.E. Church, Alpha Kappa Alpha and Gamma Phi Delta sororities. She is listed in "Who's Who in America" and "Who's Who in the World." One of her cherished honors is being selected in 1994 "Distinguished Warrior" by the Detroit Urban League, for her notable leadership in the community and lifetime devotion to improving conditions in society. Esther Gordy Edwards is the daughter of the late Bertha and Berry Gordy Sr., widow of the late Michigan State Representative George H. Edwards, and mother of one son, Robert B. Bullock by a previous marriage. She is stepmother to the Honorable Harry T. Edwards, Judge, U.S. Court of Appeals, District of Columbia; Verne Edwards DeBorge and Pamela Edwards Matthews.

I am proud to honor my close friend Ester Gordy Edwards today, and am one of many admirers of her dedication to excellence and her desire to enrich and strengthen the African American community. Ester Gordy Edwards is a pioneer of African American music, and will forever be remembered as a distinguished woman who has served as a positive role model for African American youth. She gave hope to millions of African Americans by showing that hard work, dedication to your career, and the quest for excellence can translate into dreams fulfilled and lives enriched.

HISPANIC HERITAGE MONTH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to note that Hispanic Heritage Month begins next week on September 15th. Hispanic Heritage Month is celebrated nationally and in this Member's home state of Nebraska from September 15th to October 15th. For Nebraskans, this is a time for us to learn more about an ethnic group which currently comprises 4 percent of our state's population. In fact, the U.S. Census Bureau has noted that Hispanics are the largest minority group in Nebraska.

As this member's colleagues know, individuals throughout this country were involved in the celebration of the Library of Congress Bicentennial and America's richly diverse culture through the Local Legacies Project. One of the projects selected in Nebraska as a "local legacy" was Nuestros Tesoros, translated as Our Treasures: A Celebration of Nebraska's Mexican Heritage. This project resulted in a softcover book that was the culmination of a partnership between the Nebraska Mexican American Commission and the Nebraska State Historical Society. The goal of this was to explore and document the traditional arts, beliefs, and histories of Mexican Americans of Omaha, Lincoln, Grand Island, and Scottsbluff. As a result of this project, it was discovered that Hispanics now live in each of Nebraska's 93 counties. It was also noted that while many are recent immigrants working in many of Nebraska's food processing plants, still others are third- and fourth-generation Nebraskans—descendants of those who came to work on the railroads throughout Nebraska or in the sugar beet fields in western Nebraska.

We celebrate each and every one of these individuals who sought the "good life" that Nebraska offers its residents. Therefore, while many events are planned throughout the nation to celebrate Hispanic heritage, this Member would like to note that the following events are a few of those scheduled in Nebraska:

—September 14th, fundraiser in Omaha at El Museo Latino, featuring speaker Jose Cuevas, Counsel-General of the new Mexican consulate in Omaha;

—September 16th, celebration in Omaha sponsored by the City of Omaha;

—September 16th, festival in Scottsbluff sponsored by the Our Lady Of Guadalupe Church;

—September 29th to 30th, festival in Lincoln sponsored by the Hispanic Center; and

—throughout the month, performances by a dance group from Mexico that will tour various communities in Nebraska.

Again, this Member urges his colleagues to join the celebration of Hispanic Heritage Month by recognizing and participating in the events that are taking place in their congressional districts and states in honor of those Americans of Hispanic descent.

HONORING JAMES T. SOBJECT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, today I congratulate James T. Sobject for his 28 years of exemplary service with the city of Los Angeles.

Prior to beginning his career with the City of Los Angeles in 1972, Mr. Sobject served two years in the U.S. Army, attaining the rank of Military Police Sergeant with security assignments in West Germany and at the Military Academy at West Point. He was then assigned to the City as a Junior Administrative Assistant in the Elections Division of the City Clerk's Office, where he was soon after promoted to the Assistant Elections Supervisor. In 1975, Mr. Sobject was promoted to Senior Administrative Assistant in the Bureau of Sanitation, of the Public Works Department, where he supervised the Administrative Services Section of the Sewage Treatment Division. Two years later he joined the Office of the City Administrative Officer as an Administrative Analyst, and was assigned as liaison analyst with responsibilities for the Harbor Department and the Department of Water and Power.

In 1978, Mr. Sobject was promoted to Senior Administrative Analyst and for eight years he was the lead analyst on the Police Department budget. Subsequently, he was assigned to the Municipal Facilities Construction Program and the City Hall Seismic Rehabilitation Project. Mr. Sobject was next promoted to Chief Administrative Analyst in 1997 with the responsibility of supervising the Public Safety Budget Group that which includes Police, Fire, Animal Services, and Building and Safety Department budget liaison assignments. Not long afterwards, Mr. Sobject was assigned to supervise the CAO's Finance Group which is responsible for citywide revenue forecasting, budget coordination and administering the City's automated budget system.

For his work in the CAO's Finance Group, Mr. Sobject received special recognition from Mayor Richard J. Riordan for his "hard work, dedication, and extraordinary professionalism," with respect to the annual budget process. James T. Sobject has been a valuable member of our community and praiseworthy civil servant. Mr. Sobject deserves our thanks for his dedicated service to the City of Los Angeles. I wish him and his family the best and I hope that he enjoys the active retirement which he so richly deserves.

A TRIBUTE TO ANN B. HAGELE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great Philadelphian, Ann Hagele. For a decade, Ann served older Philadelphians as Executive Director of the Philadelphia Senior Center.

That 50 year old institution is one of this nation's premier service providers for the elderly. Philadelphians are living longer and are more active than ever. Under Ms. Hagele's leadership, the agency expanded it's services to meet the needs of today's senior. She instituted financial management and housing counseling, community dining, and programs to help seniors live independently and in good health. She launched a wheel chair-accessible mini-bus service to help clients stay mobile, a fitness-for-life center and a learning center, to improve their physical and mental conditions. And when heat waves threatened seniors' lives, Ann started a fan distribution program that gave out almost 6,000 fans to poor Philadelphians.

Mr. Speaker, Ann Hagele has decided to retire from the Philadelphia Senior Center. Her leadership will be missed, but her legacy will live on. I know my colleagues will join me in honoring her today.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. WALDEN of Oregon. Mr. Speaker, due to my presence at a funeral of a close family friend on Wednesday, September 6, I was not able to participate in any rollcall votes that took place on that day. If I had been present, I would have voted yes on rollcall votes #451, #452 and #453.

HONORING THE LIFE OF MR. JERRY RAYMOND

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Ms. STABENOW. Mr. Speaker, I rise today to recognize the lifetime achievements of Mr. Jerry Raymond who passed away in January, 2000 and offer my sincere condolences to his family.

Jerry Raymond was a remarkable man whose many contributions to Wayne County, the labor movement and the City of Livonia will be long remembered. He was a 49 year resident of Livonia and served on the City Council from 1966 to 1980. Always cognizant of the needs of others, his favorite saying was "People come first." He advocated for housing for seniors before it was the popular thing to do. His sensitivity to others is undoubtedly why he was re-elected to office so many times.

There are many other fascinating things that are important to know about this special man. He quit high school after his mother died and his father lost his job. As he moved around the country looking for a job, he started getting involved in strikes and joined the cause of working men and women. He became a union activist and his leadership in the labor movement brought him national recognition. Despite his many achievements, Jerry felt something was missing as he watched other family members pursue a higher education. Although he did not have a high school diploma, he enrolled in law school. He graduated Cum Laude and was honored by being elected President of his class. He opened a law practice called Jerry Raymond and Associates in Livonia and practiced law until shortly before his death.

Jerry was a special friend, role-model and mentor to many including myself. He was very involved in his community and in democratic politics. He is missed by everyone whose life he touched, but his spirit lives on in our memories and in the legacy he left behind.

VOCATIONAL REHABILITATION IS AN ANSWER TO LABOR SHORTAGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, one of the outstanding public servants with whom I have worked, and from whom I have learned a great deal, is Elmer C. Bartels, the Commissioner of the Massachusetts Rehabilitation Commission. Elmer Bartels has an extraordinary record of effective advocacy on behalf of people with disabilities, and has done a great deal to educate the rest of us as to the terrible error we have made in failing to help them work to their full potential. Recently Elmer Bartels wrote an excellent article on this subject, drawing on his own expertise in the field, and because it is so relevant to the public policy considerations we will be dealing with as we reconvene, I submit Elmer Bartels' article on the importance of workers with disabilities in the American economy.

EMPLOYERS WITH LABOR SHORTAGES SHOULD LOOK TO VOCATIONAL REHABILITATION

(By Elmer C. Bartels)

It is a fact that today more individuals with disabilities are in the workplace earning real wages than ever before. Certainly the booming economy has a lot to do with it, but there is much more to the story than just that.

The unsung hero in the struggle to enhance employment opportunities for people with disabilities is the Federal/State Public Vocational Rehabilitation Program, authorized and funded under the Rehabilitation Act of 1973.

For nearly 80 years, and against great odds and prejudices, the State Public Vocational Rehabilitation Program has helped people with disabilities prepare to enter the workplace. Every state has a vocational rehabilitation agency whose sole purpose is to assist people with disabilities obtain the skills,

training and confidence necessary to enable them to take their rightful place in the economy.

However, until the passage of Sec. 504 of the Rehabilitation Act in 1975 and later the passage of the Americans with Disabilities Act, opportunities in the workplace were limited and often resulted in placement in sheltered workshops.

MAINSTREAM OPPORTUNITIES

However, with advances in technology and the shortage of qualified workers, new mainstream work opportunities are becoming more available for persons with disabilities.

When the Work Incentives Improvement Act (WIIA) was signed into law on Dec. 17, another impediment was removed in addressing the nation's efforts to encourage people with severe disabilities to go to work.

Nationally, there are, according to the General Accounting Office, about 2.5 million people with disabilities receiving Social Security benefits under both Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) who could possibly benefit from WIIA. (This population represents about 27 percent of the total number of individuals who are eligible to access the Public Vocational Rehabilitation Program.)

WIIA's assurance of the continued availability of health insurance, under both Medicaid and Medicare, for SSI and SSDI recipients, will remove a formidable barrier to their employment. Public vocational rehabilitation counselors assess the skills and interests of people with disabilities, help them develop individualized plans for employment, and purchase or arrange for the services or training they need to become qualified for jobs.

225,000 PEOPLE HELPED

This program can provide any reasonable and necessary services to help individuals with disabilities get ready for real work. Last year, the Public Vocational Rehabilitation Program helped 225,000 people with disabilities across America enter the work force.

In Massachusetts, the Public Vocational Rehabilitation Program, through the Massachusetts Rehabilitation Commission, helped 4,800 individuals with disabilities go to work in 1999. Federal funding for vocational rehabilitation was $2.4 billion in 1999. The states matched those federal funds with $600 million of their own, resulting in a $3 billion national Public Vocational Rehabilitation Program. The distribution formula of federal funds to the states is based upon the population and per capita income of each state.

The $3 billion spent nationally on vocational rehabilitation services produces $2.6 billion in employee earnings and $850 million in state and federal revenues during a single year of employment alone. This is an incredible return-on-investment in light of the fact that those earnings continue for years without the expenditure of additional vocational rehabilitation dollars.

A 5-TO-1 RETURN ON THE DOLLAR

The Social Security Administration reports that each dollar spent for the vocational rehabilitation of SSA recipients results in $5 in savings to the Trust Fund and treasury. The 225,000 individuals with disabilities employed last year will continue to earn real wages and pay state and federal taxes far in excess of the investment made in their employment future by the Public Vocational Rehabilitation Program.

Despite the extraordinary success of the Public Vocational Rehabilitation Program, half of the states restrict the number of people with disabilities served due to a lack of funds. It is estimated that an additional $600 million in federal monies, plus the state match of $120 million, would eliminate waiting lists in every state and help another 54,000 people with disabilities go to work.

Additional public vocational rehabilitation services and the guarantee of medical coverage under the WIIA would significantly reduce the unacceptably high rate of unemployment among people with disabilities.

According to statistics compiled by the GAO, it is estimated that between 15 million and 20 million Americans have health-related work limitations. Each year the Public Vocational Rehabilitation Program serves 1.2 million people with disabilities who want to work.

HIGH UNEMPLOYMENT RATE

A recent Harris survey indicates that 71 percent of working-age Americans with disabilities are unemployed and of that number, 72 percent want to work.

However, 42 percent of working-age Americans with disabilities believe that they are too disabled to work. The highly qualified, professional vocational rehabilitation counselors of the Public Vocational Rehabilitation Program work with individuals with significant disabilities to help them recognize that it is possible for even the most significantly disabled individuals to increase their economic and personal independence through work.

The passage of WIIA and the guarantee of continued health insurance coverage for Social Security recipients makes work a realistic goal for many more people with significant disabilities.

A recently completed seven-year study by the Research Triangle Institute, confirmed once again the success of the Public Vocational Rehabilitation Program by showing that it is highly effective in placing people with disabilities into productive jobs. No other federal or state program has received this type of scrutiny and measured up to such a high level of successful outcomes.

INDEPENDENT LIVES

It proved once again that the federal/state effort to improve the lives of persons with disabilities by allowing them to live independent and productive lives is on the right track.

In particular, the study shows that:

■ Graduates of Public VR worked an average of 35 hours per week and earned an average of $7.35 per hour;

■ 37.5 percent of the graduates earned more than $7 per hour;

■ 78.4 percent of graduates work in professional, managerial, technical, clerical, sales or service jobs;

■ 85 percent of graduates were working in the same or other job one year after graduation;

■ 67.6 percent of graduates were satisfied or very satisfied with their jobs;

■ 67.1 percent of graduates were satisfied or very satisfied the opportunity for advancement with their jobs;

■ 61.5 percent of graduates were satisfied with fringe benefits with their jobs.

The number of hours worked by consumers, the wages they earned, and their satisfaction with jobs and working conditions are all strong endorsements of the efficacy of the Public Vocational Rehabilitation Program.

Clearly, the Rehabilitation Act, and the ADA have helped to create a societal expectation that people with disabilities can and should have the opportunity to work. Now, WIIA provides for the health care supports essential to individuals with disabilities who want to work. Adequate funding of the public vocational Rehabilitation Program will help thousands more people with disabilities obtain good jobs.

The administration and Congress will demonstrate fiscal responsibility and a wise investment in the human resources of our nation by adequately funding Public Vocational Rehabilitation in the federal year 2001.

The American economy needs workers, people with disabilities need work opportunities, and the federal treasury needs more taxpayers. The Public Vocational Rehabilitation Program pays for itself many times over in taxes and human potential realized.

RECOGNIZING THE INTERNATIONAL EXHIBITION ''A MESSAGE OF PEACE''

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. CAPP. Mr. Speaker, today I rise to celebrate and to call my colleagues' attention to an important exhibition that is taking place this week and month in Santa Barbara, California—the ''Message of Peace'' Hiroshima/Nagasaki International Exhibition.

I want to warmly welcome and recognize the distinguished Japanese Delegation that has traveled to our Country to officially open the exhibition. I believe that the presence of this Delegation and the wisdom that their experience provides will foster many meaningful dialogues.

Due to the generous support of community organizations, this exhibit has been sponsored by the Santa Barbara Nuclear Age Peace Foundation. The exhibition seeks to preserve the memory of the tragic consequences of the atomic bombings of Hiroshima and Nagasaki in the hope of strengthening our commitment to a more peaceful world. In addition to the artifacts and photos of the exhibit, the Foundation and other community groups have organized a series of events and exhibits that will reach countless people—young and old—with the Message of Peace.

Mr. Speaker, I would like to close by thanking the Nuclear Age Peace Foundation for its ceaseless commitment to peace. I am honored to represent the Foundation and the ideals its members stand for in Washington.

CHARLES SPITALE HONORED FOR 40 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Charles J. Spitale, who is retiring this month as the vice president and chief executive officer of AAA-Mid Atlantic.

Charlie has served the members of the AAA for 40 years., He began as a service counselor in 1960, worked his way up to the position of office manager, and eventually was

promoted to the position of executive vice president with the former Valley Auto Club. Upon the merger with AAA Mid-Atlantic in 1996, he was appointed vice president and CEO.

He has also served for many years on the AAA Board of Directors and the Finance Committee of the AAA Federation. Charlie has also received numerous awards as a member of several Pennsylvania AAA Federation committees, and he has received national recognition from AAA in the area of sales production and promotion. He was also instrumental in facilitating the merger of the Tourist Promotion Agencies of Luzerne and Lackawanna Counties.

Mr. Speaker, in addition to his accomplishments on the job, Charlie has a long and distinguished history with the Kiwanis Club of Wilkes-Barre, Pennsylvania. He joined the club in 1966, serving as its 56th president from 1974 to 1975 and its secretary from 1987 to 1988. During his year as president, the club completed several outstanding community service projects as well as a variety of activities for Kiwanians and their families.

Under his leadership, the club's primary fundraising project during that year was a performance by the world-famous Yugoslavian dance ensemble, the Frula, which means "flute" in Slovenian. This and other fundraising allowed the club to assist not only the Kiwanis Charitable Foundation, but also for the Kingston Senior Citizens' Center, Camp Acahela of the Penns Mountains Boy Scout Council and the Wyoming Valley Cerebral Palsy Association.

Last but certainly not least, Charlie also founded the club's High-Rise Tree Trim Project in 1972 and chaired it for 26 years.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the numerous accomplishments and good deeds of Charles Spitale, and I wish him the best in his retirement.

UNESCO'S NEW SECRETARY GENERAL VISITS CONGRESS—NOW IS THE TIME FOR THE UNITED STATES TO REJOIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. LANTOS. Mr. Speaker, I want to invite my colleagues in the Congress to join me in welcoming to Capitol Hill today His Excellency Koichiro Matsuura, Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Mr. Matsuura—a distinguished Japanese diplomat who formerly served as Deputy Foreign Minister of Japan, who is a graduate of Haverford College in Pennsylvania, and who served for a time at the Japanese Embassy here in Washington—assumed the leadership of UNESCO last fall. Under his leadership the organization has made remarkable progress in dealing with many of the criticisms that have been leveled at UNESCO in the past.

UNESCO was established in 1945, at the same time the United Nations itself was created. Under terms of its charter, the organization is "to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations."

For valid and sound reasons the United States withdrew from membership in UNESCO in 1984, along with the United Kingdom and Singapore. At that time the organization suffered from mismanagement at the highest levels, and some of its leadership urged a poorly-conceived scheme to establish a "new international information order" which appeared to many to be no more than an attempt to regulate the press. I supported the decision of our government to withdraw from membership.

Since 1984, UNESCO has made important changes to address the criticisms leveled by the United States and other nations. Under the leadership of Director General Federico Mayor Zaragoza of Spain a number of essential changes were made. In 1993 the General Accounting Office conducted an extensive review of UNESCO's efforts to implement changes to solve the problems cited by the United States in our decision to withdraw from the organization. That report concluded that the leadership of UNESCO has demonstrated a commitment to management reform. Britain rejoined UNESCO in 1997. Now under the leadership of Mr. Matsuura, further fundamental management reforms are being made.

Mr. Speaker, in recognition of the transformation of UNESCO, I introduced legislation earlier in this Congress directing the President to develop a strategy to bring the United States back into full and active participation in UNESCO. My legislation, H.R. 1974, recognizes the important contribution which the organization can make in constructing "the defenses of peace" against intolerance and incitements to war.

It is important for the United States to participate in UNESCO. We can make significant contributions in shaping and implementing the worthy goals of this organization. The legislation I have introduced, Mr. Speaker, recognizes the cost implications of our participation in UNESCO and that is why it directs the President and Secretary of State to develop a strategy for our returning to full membership.

Mr. Speaker, it is unfortunate that we are not now active members of this organization. I invite my colleagues to join me—not only in welcoming His Excellency Director General Koichiro Matsuura here to Capitol Hill—but in cosponsoring H.R. 1974 to bring the United States back into full participation in UNESCO.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 4884 (rollcall No. 451), to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan as the "William S. Broomfield Post Office Building," introduced by the gentleman from Michigan, Mr. KNOLLENBERG, I would have voted "yea."

On H.R. 4484 (roll No. 452), to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building," introduced by the gentlelady from Maryland, Mrs. MORELLA, I would have voted "yea."

On H.R. 4448 (roll No. 453), to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building," introduced by the gentleman from Maryland, Mr. CUMMINGS, I would have voted "yea."

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mrs. MYRICK. Mr. Speaker, due to other commitments, I was unable to participate in the following votes. If I had been present, I would have voted as follows: On July 27, 2000, Rollcall vote No. 450, on the Social Security Benefits Tax Relief, I would have voted "yea." Rollcall vote No. 449, on Agreeing to the Pomeroy Amendment, I would have voted "nay."

AMERICANS WITH DISABILITIES ACT

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. DELAHUNT. Mr. Speaker, last month marked the 10th anniversary of the signing of the Americans with Disabilities Act. The federal government commemorated this historic milestone through many activities—from President Clinton announcing new proposals to make it easier for Social Security disability beneficiaries to contribute to the workforce without losing their benefits, to the House approving the Developmental Disabilities Assistance and Bill of Rights Act of 2000, to the opening of a new exhibit that examines the history of the disability rights movement at the Smithsonian's National Museum of American History.

These activities are a long overdue symbol of federal commitment to individuals with disabilities. And to build on this momentum I would like to submit the eloquent testimony of Mr. Elmer Bartels, Commissioner of the Massachusetts Rehabilitation Commission, regarding employment opportunities for individuals with disabilities.

[From the Cape Cod Times, June 4, 2000]

EMPLOYERS WITH LABOR SHORTAGES SHOULD LOOK TO VOCATIONAL REHABILITATION

(By Elmer C. Bartels)

It is a fact that today more individuals with disabilities are in the workplace earning real wages than ever before. Certainly the booming economy has a lot to do with it, but there is much more to the story than just that.

The unsung hero in the struggle to enhance employment opportunities for people with disabilities is the Federal/State Public Vocational Rehabilitation Program, authorized and funded under the Rehabilitation Act of 1973.

For nearly 80 years, and against great odds and prejudices, the State Public Vocational Rehabilitation Program has helped people with disabilities prepare to enter the workplace. Every state has a vocational rehabilitation agency whose sole purpose is to assist people with disabilities obtain the skills, training and confidence necessary to enable them to take their rightful place in the economy.

However, until the passage of Sec. 504 of the Rehabilitation Act in 1975 and later the passage of the Americans with Disabilities Act, opportunities in the workplace were limited and often resulted in placement in sheltered workshops.

MAINSTREAM OPPORTUNITIES

However, with advances in technology and the shortage of qualified workers, new mainstream work opportunities are becoming more available for persons with disabilities.

When the Work Incentives Improvement Act (WIIA) was signed into law on Dec. 17, another impediment was removed in addressing the nation's efforts to encourage people with severe disabilities to go to work.

Nationally, there are, according to the General Accounting Office, about 2.5 million people with disabilities receiving Social Security benefits under both Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) who could possibly benefit from WIIA. (This population represents about 27 percent of the total number of individuals who are eligible to access the Public Vocational Rehabilitation Program.)

WIIA's assurance of the continued availability of health insurance, under both Medicaid and Medicare, for SSI and SSDI recipients, will remove a formidable barrier to their employment. Public vocational rehabilitation counselors assess the skills and interests of people with disabilities, help them development individualized plans for employment, and purchase or arrange for the services or training they need to become qualified for jobs.

225,000 PEOPLE HELPED

This program can provide any reasonable and necessary services to help individuals with disabilities get ready for real work. Last year, the Public Vocational Rehabilitation Program helped 225,000 people with disabilities across America enter the work force.

In Massachusetts, the Public Vocational Rehabilitation Program, through the Massachusetts Rehabilitation Commission, helped 4,800 individuals with disabilities go to work in 1999.

Federal funding for vocational rehabilitation was $2.4 billion in 1999. The states matched those federal funds with $600 million of their own, resulting in a $3 billion national Public Vocational Rehabilitation Program. The distribution formula of federal funds to the states is based upon the population and per capita income of each state.

The $3 billion spent nationally on vocational rehabilitation services produces $2.6 billion in employee earnings and $850 million in state and federal revenues during a single year of employment alone. this is an incredible return-on-investment in light of the fact that those earnings continue for years without the expenditure of additional vocational rehabilitation dollars.

A 5–TO–1 RETURN ON THE DOLLAR

The Social Security Administration reports that each dollar spent for the vocational rehabilitation of SSA recipients results in $5 in savings to the Trust Fund and treasury. The 225,000 individuals with disabilities employed last year will continue to earn real wages and pay state and federal taxes far in excess of the investment made in their employment future by the Public Vocational Rehabilitation Program.

Despite the extraordinary success of the Public Vocational Rehabilitation Program, half of the states restrict the number of people with disabilities served due to a lack of funds. It is estimated that an additional $600 million in federal monies, plus the state match of $120 million, would eliminate waiting lists in every state and help another 54,000 people with disabilities go to work.

Additional public vocational rehabilitation services and the guarantee of medical coverage under the WIIA would significantly reduce the unacceptably high rate of unemployment among people with disabilities.

According to statistics compiled by the GAO, it is estimated that between 15 million and 20 million Americans have health-related work limitations. Each year the Public Vocational Rehabilitation Program serves 1.2 million people with disabilities who want to work.

HIGH UNEMPLOYMENT RATE

A recent Harris survey indicates that 71 percent of working-age Americans with disabilities are unemployed and of that number, 72 percent want to work.

However, 42 percent of working-age Americans with disabilities believe that they are too disabled to work. The highly qualified, professional vocational rehabilitation counselors of the Public Vocational Rehabilitation Program work with individuals with significant disabilities to help them recognize that it is possible for even the most significantly disabled individuals to increase their economic and personal independence through work.

The passage of WIIA and the guarantee of continued health insurance coverage for Social Security recipients makes work a realistic goal for many more people with significant disabilities.

A recently completed seven-year study by the Research Triangle Institute, confirmed once again the success of the Public Vocational Rehabilitation Program by showing that it is highly effective in placing people with disabilities into productive jobs. No other federal or state program has received this type of scrutiny and measured up to such a high level of successful outcomes.

INDEPENDENT LIVES

It proved once again that the federal/state effort to improve the lives of persons with disabilities by allowing them to live independent and productive lives is on the right track.

In particular, the study shows that:

Graduates of Public VR worked an average of 35 hours per week and earned an average of $7.35 per hour;

37.5 percent of the graduates earned more than $7 per hour;

78.4 percent of graduates work in professional, managerial, technical, clerical, sales or service jobs;

85 percent of graduates were working in the same or other job one year after graduation;

67.6 percent of graduates were satisfied or very satisfied with their jobs;

67.1 percent of graduates were satisfied or very satisfied the opportunity for advancement with their jobs;

61.5 percent of graduates were satisfied with fringe benefits with their jobs.

The number of hours worked by consumers, the wages they earned, and their satisfaction with jobs and working conditions are all strong endorsements of the efficacy of the Public Vocational Rehabilitation Program.

Clearly, the Rehabilitation Act, and the ADA have helped to create a societal expectation that people with disabilities can and should have the opportunity to work. Now, WIIA provides for the health care supports essential to individuals with disabilities who want to work. Adequate funding of the Public Vocational Rehabilitation Program will help thousands more people with disabilities obtain good jobs.

The administration and Congress will demonstrate fiscal responsibility and a wise investment in the human resources of our nation by adequately funding Public Vocational Rehabilitation in the federal year 2001.

The American economy needs workers, people with disabilities need work opportunities, and the federal treasury needs more taxpayers. The Public Vocational Rehabilitation Program pays for itself many times over in taxes and human potential realized.

BENEFITS OF VOCATIONAL REHABILITATION PROGRAMS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

Mr. TIERNEY. Mr. Speaker, in recent years the passage of the Workforce Investment Act and the Ticket to Work and Work Incentives Improvement Act have meant a great deal to individuals with disabilities who are working to gain greater social and economic independence. In Massachusetts the Commissioner of the Massachusetts Rehabilitation Commission, Mr. Elmer C. Bartels, has carried this message across the Commonwealth. In order to bring his message of employment opportunity for people with disabilities to our national constituency, I submit his editorial, which was printed in the June 4, 2000 edition of the Cape Cod Times, for insertion into the CONGRESSIONAL RECORD.

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