SENATE—*Tuesday, September 19, 2000*

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

PRAYER

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

Dear God, we praise You for Your availability to us. You are Jehovah-Shammah, who promises to be with us, whenever and wherever we need You throughout this day. You have assured us that You will never leave or forsake us. You remind us of Your love when we are insecure, Your strength when we are stretched beyond our resources, Your guidance when we must make decisions, Your hope when we are tempted to be discouraged, Your patience when difficult people distress us, Your joy when we get grim.

In response, we offer our availability to You. We open our minds to receive Your divine intelligence, our responsibilities to glorify You in our work, our relationships to express Your amazing affirmation, our faces to radiate Your care and concern. As You will be here for us today, we pledge ourselves to do the work of government to Your glory. We are ready to receive what we will need each hour—each challenge, each opportunity. This day is a gift, and we accept it gratefully. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, 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. VOINOVICH). The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, today the Senate will immediately begin the final 3 hours of debate on H.R. 4444, the China PNTR legislation.

Under the previous order, the Senate will recess from 12:30 until 2:15 p.m. for the weekly party conferences to meet. When the Senate reconvenes at 2:15, the Senate will have two back-to-back votes. The first vote is on the final passage of the PNTR bill, and the second vote is on the cloture motion to proceed to the H–1B visa legislation.

Following the votes, it is expected that the Senate will begin debate on the H–1B visa bill, with the water resources development bill, or any appropriations conference report available for action.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Resumed

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate under the control of each leader.

The Senator from Ohio.

Mr. REID. Mr. President, will the Senator yield?

Mr. DEWINE. I yield to my colleague.

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I yield 5 minutes to Senator LAUTENBERG and 5 minutes to Senator MURRAY when Senator DEWINE completes his remarks.

Mr. DEWINE. Mr. President, for the benefit of my colleagues, I yield myself 30 minutes. I candidly don't expect to take 30 minutes. For those Senators who wish to speak after me, it will probably be a shorter period of time than 30 minutes.

Mr. President, I rise today to speak on the legislation before us—H.R. 4444, the legislation extending Permanent Normal Trading Relations to the People's Republic of China or PNTR. As we approach's today's final vote, I want to make it clear that I believe strongly in free and fair trade. And, I support efforts aimed at increasing free and fair trade with China. However, as we approach the vote, I think we must take a few minutes and try to put the current debate into its proper perspective. That is what I intend to do.

Passing PNTR will result in lower trade barriers and more U.S. sales to China. We know that. But, the extent of our increased sales will depend on factors beyond our control. Our ability to send more exports to China depends largely on China's continued economic growth, its compliance with the bilateral agreement, and its development of a middle-class.

While increasing trade with China certainly is important, we must put this current debate into its proper context. We need to view this debate as it relates to both our worldwide trade policy and to our foreign policy and national security interests. With this broader perspective in mind, it becomes very clear that passing the PNTR legislation is just one part of our overall relationship with China and one part of our overall global trade policy. There remain other pressing foreign policy issues and other trade issues that await our next President, the next Congress, and the American people. Let me explain.

The fact is, as we all know, the United States is a leader in the area of free trade. If we fail to pass the PNTR legislation, we would be sending a signal to the world that the United States wants to isolate China. That's a signal we don't want to send. Both by word and deed, the United States must be the world's leader in promoting free trade. At the same time, though, we also don't want to send China—and the world—a signal that we will tolerate the proliferation of weapons of mass destruction—a practice China engages in openly.

In terms of our overall trade policy, we also cannot send a signal to our neighbors in the Western Hemisphere that says we are only interested in concentrating on the Chinese market. Since so much time and energy and resources has been directed to liberalizing trade in China, it may be a surprise to some that China represents only two percent of our foreign sales.

To keep it in proper perspective, there was no one who estimates that percentage will go beyond 2½ or 3 percent in the immediate future. Two percent of our total foreign markets is only $13 billion in U.S. sales to China.

Now, compare that to markets closer to home. Last year, Canada was our number one export destination, with $167 billion in U.S. sales, while Mexico was our second largest export market with $87 billion in sales. Further, our exports to Brazil ($13.2 billion) last year exceeded our sales to China. And what's more, forty-four percent of our exports remained right here in our own hemisphere.

Those $13 billion in sales to China pale in comparison to trade within our hemisphere. Yet, the Administration and the business community have made granting PNTR to China their single-minded trade focus. This narrow agenda has not come without cost.

Because the Administration has not emphasized expanding free trade in our hemisphere, other nations are taking the lead in seizing the economic opportunities that are right in our backyard. Our inaction in this hemisphere has essentially made it easier for Europe, Asia, and Canada to significantly expand their exports throughout Latin

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

America. The European Union (EU), for example, is now Brazil's largest trading partner. The EU's exports to Brazil have grown 255 percent from 1990 to 1998.

Additionally, during that same period, Asia experienced an incredible 1664 percent increase in its growth of exports to Argentina.

The next administration and the business community need to pay attention to our own hemisphere. That means that the next administration and the next Congress need to pass fast-track trading authority and move toward a hemispheric free trade area. It is imperative that we do this. That means that we will need to expand the North American Free Trade Agreement, which, over this last decade, has advanced economic cooperation and growth between the United States and Mexico, increasing U.S. exports to Mexico by 207 percent. And, that means that we must abandon this very narrow focus with which the current administration has viewed trade policy and start widening the lens to be more inclusive of the markets right here in our own backyard. This is significant unfinished business that our next President and our next Congress and the American people will have to address.

But, even more significant in terms of our unfinished business are the considerable national security issues at stake regarding our overall relationship with China. I say that because this is China we are talking about. China is different. China, as my colleagues all know, is unlike any other country in the world. China is a major power—a nuclear power—and China is the world's major proliferator of weapons of mass destruction.

Sadly, this administration has failed to stop the Chinese government's weapons proliferation. Sadly, this administration has not demonstrated the kind of leadership necessary to prevent China from manufacturing and selling weapons technology worldwide.

Like the United States, China is a cosignator of the Nuclear Non-Proliferation Treaty, yet over the last decade, its government has violated the Nuclear Non-Proliferation Treaty willingly, openly, and egregiously. Their actions are well documented. For example, Washington Times National Security reporter, Bill Gertz, writes in his recent book:

> [f]or at least a decade, China has routinely carried out covert weapons and technology sales to the Middle East and South Asia, despite hollow promises to the contrary.

The PRC has shown no remorse for its past actions—and certainly no inclination to change them. Rather, China has flaunted—openly—its violations.

At the beginning of the last decade, Pakistan was believed to possess a very modest nuclear weapons program—one that was inferior to India's program. Our own laws effectively banned U.S. government assistance to Pakistan because of its decision to go nuclear, and our sanctions laws contained tough penalties for any nation attempting to feed Pakistan's nuclear hunger.

That was then. Today, China has single-handedly worked to change the balance of power in South Asia and, in turn, has made the region far more different and far more dangerous.

Today, according to news reports, Pakistan possesses more weapons than India and has a better capability to deliver them. President Clinton stated earlier this year that South Asia has now become the most dangerous place in the world. We have China to thank for that.

The significant change in the balance of power between Pakistan and India was engineered by China, which provided Pakistan with critical technology to enrich and mold uranium, M–11 missile equipment and technology, and expertise and equipment to enable Pakistan to have its own missile production capability.

What has this Administration done to change this behavior? Essentially nothing. Time after time, as reporters, like Bill Gertz, uncovered extraordinary information on proliferation activities, this Administration failed to impose even the mildest sanctions against China as required by law. For example, in 1995, at the same time this Administration was aware of China's transfer of sensitive nuclear technology to Pakistan, the Administration was seeking to weaken our non-proliferation laws against Pakistan. And, rather than aggressively use the sanctions laws on the books to try to bring about a change in China's behavior, this Administration sought to find ways to show it had reached a common understanding with China to prohibit these activities and thus avoid sanctions.

However, according to the Central Intelligence Agency's unclassified bi-annual report to Congress on the proliferation of weapons of mass destruction, China remained a ''key supplier'' last year of weapons and missile assistance to Pakistan.

In the Middle East, it's the same story. News reports have documented China's contributions to Iran's nuclear development and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. Further, the CIA's bi-annual report also confirmed that Chinese government multi-nationals are assisting the Libyan government in building a more advanced missile program.

As it stands, international rules of conduct and pledges to our government to forego its proliferation activity have not deterred China's arms-building practices. Further, this administration has not enforced U.S. non-proliferation laws adequately nor effectively. The Chinese government certainly does not take our government seriously on the question of weapons proliferation—and frankly, why should they? The current Administration hasn't been a leader in encouraging nations to honor international non-proliferation agreements. Consequently, weapons of mass destruction are in more questionable hands than ever before.

Last year, a bipartisan commission headed by former CIA Director, John Deutch, concluded that our Federal Government is not equipped to fight nuclear proliferation. What does that say about our international credibility? What does that say about our ability to prevent the proliferation of weapons of mass destruction? What it says is that our diminished credibility may oblige other countries who are adversaries of Pakistan, Iran, and Libya to build their own weapons capabilities to counter these emerging threats.

In simple terms, the current administration has not led on these proliferation issues. That is why we should have passed Senator THOMPSON's amendment last week.

The Thompson amendment was important because it would have given us the ability to hold the People's Republic of China, and any nation, accountable for proliferating weapons of mass destruction and the means to deliver them. The bottom line is that if we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress will need new tools to pursue our national security objectives. Candidly, the next President will also have to use the tools that we have now given him.

So, where are we? When we put this whole debate in perspective—when we put the debate into its proper economic and national security contexts—where does this leave us? Realistically, approval of PNTR does not change the disagreements we have with China on weapons proliferation. It certainly will not change China's behavior. China will continue to proliferate. China will continue to pursue policies that will destabilize two critical regions of the world, placing our soldiers and our allies in serious danger.

Now that we are about to pass this legislation—now that we are about to advance our free trade policy—what do we intend to do to advance our non-proliferation policy and our own national security? Does this Administration have an answer? No, I do not think they do. Quite candidly, they never have.

We need an answer. And, from the vantage point of our national security strategy, I believe that if we fail to show vigilance in the enforcement of non-proliferation policy, we will place this nation at a terrible disadvantage. If we fail to show vigilance, we will effectively continue a de facto policy

that has worked to undermine our national non-proliferation policy and is working to make our world a more dangerous place.

Had this administration pursued a non-proliferation policy with the same amount of intensity, creativity, and vigor it showed in advancing our commercial relationship with China, this would have been a far easier vote to cast.

Had the Senate done the right thing and adopted the Thompson amendment, that too would have made today's vote easier to cast.

I fear if we do not act soon to change the current course of our weapons proliferation policy—if we do not revisit the Thompson amendment, and we will revisit the Thompson amendment—we will be sending a signal to China and to the world that says our trade interests are more important than the security of our Nation, more important than the security of our children and grandchildren.

I intend to vote for the PNTR legislation before us because I believe strongly in the power of fair and free trade.

The United States has been the world's most outspoken advocate for free trade. We are the world's free trade leader. We believe free trade is a cornerstone of a free society and a free people. We believe it can be a step toward helping closed nations become open and democratic. No one here can say with certainty that it will work in China, but as the world's leader in free trade, I believe we have to try.

With this vote today, we are keeping our word as that leader, and we are moving forward. To do otherwise, to go back on the agreement this country negotiated last November, would send the wrong message to the world. It would say that the United States cannot be counted on to practice what we preach, and the implications of that message will extend far beyond our ability to negotiate trade agreements with China. A message such as that will affect our credibility worldwide.

Further, I have concluded that a ''no'' vote will do nothing to wean China from its weapons-building addiction. But that is why we must not stop here with today's vote. We should move forward and show clear leadership and clear direction in regard to our non-proliferation policy.

With this vote, I pledge to work with our next President to change the current state of affairs and to work toward maintaining our place as the world's model for free and fair trade. I will continue to push for free trade opportunities, both within and beyond our hemisphere. Much more important, I also pledge to work toward making our world a safer and more secure place for our children, our grandchildren, and our great grandchildren. I will continue to insist that China and other weapons-proliferating nations abide by international agreements, and I will continue to insist again, again, and again that our Nation take the lead in this area.

This is not the last time I will be on this floor talking about the problems with China. This Senate will regret if we do not return to this issue. The Thompson amendment will come back, and we will insist that it be voted on. This country has to stand strong and firm against China and their proliferation policies. Their proliferation policies threaten the security of our children and our grandchildren, and we will ignore their actions at our peril.

I thank the Chair, and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Washington is recognized for up to 5 minutes.

Mr. MURRAY. Mr. President, I rise today to urge my Senate colleagues on both sides of the aisle to grant Permanent Normal Trade Relations status to China. This is about moving China in the right direction, and in the process allowing America's workers to benefit from the massive trade concessions we have won at the negotiating table.

This is a critical vote. China is home to one out of every five people on the planet, and our relationship with China is important. This vote can also have a positive impact on regional relationships throughout Asia. That is because Taiwan and Asian nations like Japan support China's accession to the World Trade Organization. They know that China's engagement will be a positive development. If Congress fails to grant PNTR to China, we will hinder our broader relationship with that country, make it harder for us to promote change there, and damage America's workers and industries as they compete with other countries for a place in China's market. The Chinese have agreed to radically open their market to U.S. goods and services. Chinese trade concessions will benefit the United States across all economic sectors in virtually every region of our country. And, the changes China has committed itself to—in order to join the WTO—will further open China to Western ideas.

I have come to the floor today to illustrate the ways that PNTR for China will help our families, our industries, and our economy. Washington State is the most trade-dependent State in our Union. The people of my state—from aerospace workers to wheat farmers to longshoremen—have urged me to make sure we take advantage of the concessions we have won from the Chinese. If we do not, good-paying family jobs will be lost, and our industries will be set back for years.

Before I elaborate on the ways PNTR for China will help America's workers, I must address many of the concerns we have about China. Over the years, I, like my colleagues, have been frustrated by the actions of the Chinese government on issues like human rights, religious freedom and weapons proliferation. As I have listened to the debate it is clear that we all want the same things: We want the people of China to have more freedom and more opportunities, and we want to bring China into the community of nations as a responsible partner. We all want the same results. The question is: What is the best way to get there? It is not to politicize our trade agreements. It is not to turn a trade vote into a referendum on how we feel about China. That is why I oppose the amendments that my colleagues have offered. These amendments will not solve the problems they highlight.

Instead, they will kill the bill for this Congress and perhaps longer and that will have a negative impact on our country. Killing this bill will do serious harm to our efforts to impact change in China on many issues. Killing this bill now will forever handicap U.S. exporters to China. It will punish U.S. workers, and it will give our competitors from Europe and Asia a massive head start as China opens its market to the world.

As I have thought about our relationship with China, I think one of the things that really frustrates us is that we are accustomed to quick fixes. In our political culture, we expect to be able to fix problems overnight. China, on the other hand, has a far different culture. Throughout its 4000 year history, China has resisted outside influences. As much as we would like to, we can't change China overnight. But we can change China over time. PNTR gives us the vehicle to help China move into the community of nations and to benefit America's families, industries and economy in the process.

Now that I have addressed the expectations and context surrounding our relationship with China, I want to return to the question I posed a moment ago: What is the best way to help China enter the community of nations? The answer is to engage with China. In fact, our own history has shown this to be true. Since 1980, when the United States normalized relations with China, our engagement has helped to change China for the better. I think it is useful to recall the history of how different China is today, than it was just 20 years ago. Before we normalized our relations, the Chinese people lived under the iron fist of their government. They enjoyed virtually no personal freedoms. Their jobs were predetermined. Their housing was assigned to them. Education, medical care, and travel were all dictated by a government-controlled system that rewarded blind loyalty to the state and harshly punished all dissent. Externally, China was closed to the outside world. Internally, China was hemorrhaging from the impact of the Cultural Revolution

and other political conflicts. U.S. engagement with China has had a positive impact on that country. Certainly, we all want to see more progress and more changes in Chinese government behavior. I respect the concerns of my colleagues, but I recognize that we are making progress by engaging with China. We should not let our specific concerns override the many advantages that will flow to America's workers by supporting PNTR for China.

After considering the cultural and historic issues that have factored into this debate, I would like to focus on what this vote is about. The question before the Senate is really quite simple. The United States negotiated a trade deal with China. The agreement radically opens China's market to American workers, forces China to end its unfair practices, and gives the United States tough mechanisms to hold China accountable. The question before the Senate is: do we want to take this deal?

On behalf of my constituents and the American people, I will vote to put these Chinese concessions—literally thousands of market-opening concessions—to work for the benefit of our country. The Chinese concessions are far reaching and will impact every sector of our nation's economy and every region of our country. This agreement radically slashes tariffs. In fact, for some of our most important industries, it eliminates tariffs altogether. It preserves and in some cases strengthens our trade laws on issues like dumping, export controls, and the use of prison labor. China will no longer be able to require firms to transfer technologies and jobs to China in exchange for business. If China violates its commitments, it will have the 135 member countries of the WTO to contend with—rather than just the United States. This is an opportunity to build a strong presence in the world's largest emerging market just as it opens its doors to the world.

The people of Washington State have a unique perspective on what this trade agreement will mean for our families, our industries and our economy. One of my predecessors, Senator Warren Magnusson, was one of the first Senators to call for closer U.S.-China ties in the 1970s. For more than 20 years, the entire period of China's most recent opening to the outside world, no other state has been as engaged with China and the Chinese people as extensively as my state has. Washington State is the most trade dependent state in the country. Soon, one in three jobs will rely on international trade. Our ports, rail yards, and airports serve as gateways to and from the Pacific Rim for millions of products. My entire state stands to gain a great deal from China's accession to the WTO.

I would like to share with my colleagues how increased trade with China will affect three important Washington industries: aerospace, agriculture, and technology. Let me begin by talking about our aerospace industry because Washington state produces the finest commercial airplanes in the world. We are home to the Boeing Company, and thousands of Washington families work for Boeing. As my colleagues know, Boeing competes with Airbus, its European rival. But the playing field isn't level. Airbus is subsidized by European states, and it gets additional financing assistance, allowing Airbus customers to finance aircraft on favorable terms. China is a huge new market for airplanes. Aviation experts predict China will purchase 1,600 new commercial airplanes worth $120 billion in the next 20 years. These sales will be hotly contested. We know that Airbus is a very aggressive competitor in the China market. Passing PNTR will give the workers in my state the chance to compete in that marketplace. Thousands of Washington state jobs—good family jobs, good union jobs—hang in the balance as Boeing and Airbus fight for the China market. That is why organized labor at Boeing, Local 751 of the International Association of Machinists and Aerospace Workers, has publicly endorsed PNTR. The Boeing Machinists know that if we do not compete for aircraft sales in China, we will have ceded the largest marketplace in the world for commercial aircraft outside of the United States. Such an outcome would be disastrous for the future of our aerospace industry, and we're not just talking about one company or one industry. Thousands of small businesses in Washington state subcontract with Boeing. In addition, Boeing subcontracts in every state in the union—creating the jobs that working families rely on. Passage of PNTR will give Boeing and so many other American companies the opportunity to compete freely and fairly in China. I have every confidence that Boeing and the thousands of Americans whose jobs are tied to aerospace will succeed in this new environment. Mr. President, let me turn to another important industry in my state.

Washington State is home to some of our country's finest agricultural products from wheat to apples to a host of specialty crops. But we've had trouble opening China's market to our exports. For more than 25 years, Washington wheat has been kept out of China by an unfair trade barrier. This year, as China neared membership in the World Trade Organization, it dropped its unfair trade barrier against wheat from the Pacific Northwest. As a result, this year, Washington's first wheat sale to China in 28 years recently sailed from the Port of Portland.

Thanks to PNTR and WTO accession, my constituents will have new opportunities to feed China's population, which equals 20 percent of the world's population. The opportunities are also great for another major crop, Washington state apples. With this agreement, China's market could open to an estimated $75 million a year in business for Washington's apple growers. Overall, agriculture stands to see one-third of its export growth tied to new sales to China. Washington growers and producers will see new opportunities across the board from pork, potatoes and barley to specialty crops like raspberries, hops and asparagus. It is easy to see why the agriculture community has been such a strong voice for this U.S.-China agreement and PNTR. Agriculture has done a great job working to ensure members understand that this agreement, and PNTR is vitally important to American agriculture.

Finally I want to turn to America's high-tech industries. I am proud that Washington State is home to Microsoft and other technology companies including Nintendo, Real Networks, and Amazon.com. These companies will benefit from new protections for U.S. intellectual property. They will benefit from the elimination of high tech tariffs, from anti-dumping protections, and from the right to import and distribute goods free from government regulation and interference. The Internet is taking hold in China. It holds immense potential for changing China's society. Thanks to this agreement, Washington State Internet companies will be aggressive competitors in this new market. In addition, America's telecommunications companies will benefit as well, including AT&T Wireless and VoiceStream Wireless, which are both based in Washington State.

As I have shown, opening China's markets will help the thousands of people in my state who work in the aerospace, agriculture and technology industries. We should make sure America's workers have access to the many benefits of China's marketplace. After 20 years of normalized relations between the U.S. and China, now is the time to pass PNTR. After 13 years of tough negotiations between the United States and China, now is the time to pass PNTR. And after more than 10 years of congressional consideration of China's trade status, now is the time to pass PNTR. The Senate has just spent two weeks debating PNTR, China's accession to the World Trade Organization, and many other China issues. The heart of the question before us is: Do we want American workers to benefit from the enormous trade concessions we have won from the Chinese? I want America to benefit, and I will vote for PNTR. At the same time, this is not our final China vote. Congress has a very legitimate role to play in helping shape our relationship with China and addressing our concerns. I look forward to those debates and those opportunities to advance our ideals in China. I

encourage my colleagues to vote for PNTR, and I urge my colleagues to continue to closely follow the important U.S.-China relationship.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator's time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, I yield from Senator DASCHLE's time 10 minutes to Senator HOLLINGS when Senator LAUTENBERG completes his 8 minutes. Senator DASCHLE has given Senator LAUTENBERG 3 minutes to his 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, we have had an invigorating debate on a very important and complex issue—whether to grant permanent normal trade relations, PNTR, status to China. There are many aspects to this debate: expansion and regulation of the international trading system; realignment of the US position within that system; review of China's internal policies—in particular its human rights record; assessment of the prospect for constructive and systemic change in China; and the effect of PNTR upon U.S. businesses and consumers.

As many of my colleagues may remember, 2 months ago in the Finance Committee I cast the sole vote in opposition to granting PNTR to China. Although I believe in engagement with China, not isolating China, I felt strongly that I could not in good conscience vote to make this status permanent at that time. I told my colleagues about Ngawang Choephel, a Fulbright student from Middlebury College in Vermont, who was arrested by Chinese authorities while filming traditional song and dance in Tibet in 1995. Intent only on preserving traditional Tibetan music, Ngawang was charged with espionage and sentenced to 18 years in prison. I strongly protested his arrest and incarceration, together with the other Members of the Vermont delegation, the administration, and human rights supporters all over the world.

For 5 years, we received virtually no information on Ngawang's whereabouts and his condition. In spite of a Chinese law guaranteeing every prisoner the right to receive regular visits from next of kin, Chinese officials ignored the repeated pleas from Ngawang's mother, Sonam Dekyi, to visit him. During Finance Committee discussion of the PNTR legislation, I made clear my anger over the Chinese Government's unconscionable refusal to adhere to its own laws. I am pleased to report that a couple weeks later, the Chinese Ambassador to the United States called to inform me that Sonam Dekyi would be granted permission to visit her son. I thank my many colleagues who raised this case with the Chinese, and I particularly thank the Chinese Ambassador for his efforts on Sonam Dekyi's behalf.

Last month, Sonam Dekyi and her brother traveled to China to see Ngawang Choephel. They were treated very well and were allowed two visits with Ngawang. In addition, they had a meeting with the doctors at a nearby hospital who recently have treated Ngawang for several very serious illnesses. While Sonam Dekyi was very appreciative of the chance to see her son, she was disappointed to be granted only two visits and quite saddened to be denied her request just to touch her son after all these years. Most alarmingly, she found her son to be in very poor health. Despite receiving medical attention, he is very gaunt and reported ongoing pains in his chest and stomach. His mother fears for his life.

I fervently hope that in the wake of his mother's visit, greater attention will be paid to Ngawang's health, and that every effort will be made by Chinese medical personnel to treat his illnesses. However, I believe that the only solution to his health condition is medical parole. Ngawang needs extensive treatment and considerable rehabilitation. This cannot be accomplished under the harsh conditions of prison, especially a Chinese prison.

On humanitarian grounds, I appeal to the Chinese authorities to release Ngawang Choephel. This is the right thing to do, the decent thing to do, the human thing to do. Until Ngawang Choephel is released, I cannot in good conscience vote for PNTR. I urge the Chinese authorities to recognize the length of time Ngawang has already spent in prison and to move now before his 18 year sentence becomes a death sentence. I urge the immediate release of Ngawang Choephel.

I have not come to this position of opposition to PNTR easily. For the past 10 years, I have supported engagement with China and renewal of most favored nation status. The benefits of international trade for the Vermont economy are very clear, and Vermont businesses have proved very resourceful at developing high paying and desirable jobs for Vermonters. In 1989, in the wake of the Tiananmen Square uprising, this was a particularly tough position. It was difficult to know how to channel my profound outrage over Chinese behavior and how to bring about the greatest degree of change in the shortest period of time. After considerable research and much discussion with people holding many points of view, I concluded that change in China would be most rapid if the channels of communication were open to the rest of the world. Engagement with China on all fronts, including economic engagement, is going to be necessary to produce the long-term, systemic change required for expression of personal freedom and personal initiative.

The past decade has proven that change is slow and difficult. But there is progress, nonetheless. The reformers in the Chinese hierarchy are now pushing for membership in the World Trade Organization, WTO. They wish to be part of the global trading system and to open their country and their economy to international investment and influences. While there are some significant problems with the WTO system that need to be addressed, I am convinced that we must be a part of that system and we must exert a strong influence on its development. Our national interests are best served if all major economies are a part of this system, agree to play by the same rules, and are subject to the same enforcement mechanisms if they do not.

We have a very strong interest in encouraging diversification and decentralization in the Chinese economy and greater freedom of expression for Chinese citizens. The less citizens are dependent directly on the government for their jobs and housing, the more likely they are to get involved in local issues, to advocate for causes that concern them, to develop advocacy and democracy at the grass roots. In the long run, I believe this is also the best way to improve the human rights situation. It will take time. It will be incremental. Chinese society will never look just like American society, but hopefully it will be reconfigured more to the advantage of the average Chinese citizen.

Today, my overwhelming concern is for a young man who committed his life to the preservation of his own musical heritage. He found shelter in the green mountains of Vermont, even though his heart always lay in the rugged mountains of his homeland. Ngawang touched many Vermonters with his quiet manner and intensity of purpose. Vermont will not forget Ngawang Choephel. I have not forgotten Ngawang Choephel. I will not vote for PNTR until he is free.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. WELLSTONE. Will my colleague yield for a moment?

Mr. LAUTENBERG. Sure.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that in the proper order of speakers, after Senator LAUTENBERG and Senator HOLLINGS and a Republican Senator are recognized to speak, I then be recognized to speak for 10 minutes of my leader's time.

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

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the United States is now considering a bill authorizing the President to grant Permanent Normal Trade Relations to the People's Republic of China when that country joins the World Trade Organization. This can radically improve our relationship with the world's most populous country.

There is so much at stake, in my view. That is why I traveled last month to China to meet with China's leadership and some of its people, to see for myself what is happening in China, and to ensure that I make a well-informed decision on this day.

Some of what I saw, quite frankly, disturbed me. But I also saw and heard encouraging things that gave me hope about China's future. And I have concluded that the best way to promote positive change in China is to grant China permanent normal trade relations status.

Many Americans, including environmental activists and members of organized labor and human rights groups, believe this vote is about far more than trade. And I agree. We cannot consider trade policy without understanding the implications for the economy, our society, and the environment in America and the world.

Moreover, the granting of PNTR would eliminate the annual debate over granting normal trade relations, which we used to call MFN, to China. That annual debate allowed us to review all aspects of our relationship with China and developments in that country. Successive administrations and Congresses achieved progress on issues of importance to Americans by raising them in the context of that annual review.

This time, however, we are not merely considering whether China has made sufficient progress in economic, social, environmental and human rights reforms to merit extending the opening of our market—China's largest export market—for another year. Rather, we are considering whether China is on a firm enough course of progress that we can justify an act of faith and open our market permanently as China joins the WTO and substantially opens its markets to American goods and services.

That is why I traveled to China a few weeks ago, joined by my good friend the Senator from Iowa, Senator HARKIN.

I went so I could better understand China and raise my concerns with China's leaders about human rights, labor conditions, national security and the environment. I went to see for myself the condition of China's cities and rural areas, to compare the wealthy coast and the underdeveloped interior, to talk to garment workers and farmers, to assess the extent of freedom of religion and freedom of speech, to measure progress on human rights protection and environmental protection, and to look into the proliferation of weapons and the intimidation of Taiwan, to consider the abuse of power and the rule of law.

China presented a very mixed picture. The patriotic Catholic Bishop in Shanghai, Bishop Jin, expressed it well when he said, ''China is very complicated.''

One thing was obvious: China is undergoing a tremendous transformation as a result of Deng Xiaoping's 1978 decision to open China to the world. The past two decades have seen the rise of free enterprise and international trade, and many of the Chinese people have experienced a dramatic improvement in their standard of living. China's GDP growth, while surely lower than official estimates, has averaged more than 6 percent over the past two decades and remains strong despite the impact of the Asian financial crisis. China's economic development is amazing, particularly in the modern city of Shanghai.

I would like to speak briefly about some of the issues I raised with China's leaders and that will need to be addressed as we proceed in our strengthened relationship with China.

We have to consider the national security aspects of the U.S.-China relationship. The United States and China are not natural or historic enemies. But serious problems and tensions exist.

One key issue is China's proliferation of technologies and materials for missiles and weapons of mass destruction. Earlier this year, the CIA reported on China's continuing missile-related aid to Pakistan, Iran, North Korea and Libya, as well as nuclear cooperation with Iran and contributions to Iran's chemical weapons program. These relationships are not in China's interest and directly threaten U.S. interests.

When I raised this issue, Vice Premier Qian Qichen acknowledged that China provided missile assistance to Pakistan in the past but insisted it had not done so in recent years. Premier Zhu Rongji dismissed my concerns and demanded evidence of China's proliferation activities. Of course, China has not accepted the key Annex to the Missile Technology Control Regime. I hope China will acknowledge its past mistakes and fully commit itself to international non-proliferation efforts.

U.S. officials have made progress in addressing Chinese proliferation over the years. For example, they secured China's commitment not to help Iran develop new nuclear projects. But we must do more.

The United States and China have a common interest in ending the destabilizing proliferation of weapons of mass destruction and the missiles to deliver them. We have to improve cooperation toward that critical goal.

A second national security issue concerns Taiwan. Wang Daohan, the Chinese official who conducts the Cross-Straits Dialogue for the Mainland and influences China's policy toward Taiwan, stressed to us that Beijing is willing to give Taiwan considerable autonomy if Taipei accepts the ''One China'' policy and supports reunification. I am not convinced that making Taipei's acceptance of the ''One China'' policy a pre-condition for talks is a constructive approach.

I hope that China will withdraw its missiles that are only directed at Taiwan, because these threaten an arms race over Taiwan. As I told Mr. Wang, if you're extending a hand of peace it cannot be clenched into an iron fist.

We also need to consider protection for human rights and the rule of law in China. Fortunately, the House addressed these issues constructively in the bill before us by providing for an annual review of human rights in China. The bill before us also rightly authorizes U.S. assistance for rule of law programs in China. I know that the Ford Foundation and other private groups are supporting rule of law efforts in China. We should be prepared to put some of our resources toward achieving this worthy, if long-term, goal.

On the whole, we have to acknowledge that China has made some progress on human rights, though it still has a long way to go.

The limited ability of the Chinese people to have freedom of religion is a very real concern. The Chinese people, many of whom recognize the vacuousness of Marxist and Maoist rhetoric, are unsatisfied with their daily lives and seek a higher moral purpose, a spiritual side to life. We saw some Chinese practicing recognized religions in permitted places, but others are not so fortunate. Buddhists pray and burn incense at a temple near the Great Buddha in Leshan. Catholics attend Mass at patriotic Catholic Churches or in private homes used by the underground Catholic Church. Muslims pray at the mosque in Xian. But Muslims in Northwest China, who are not ethnically Chinese, cannot worship freely.

Judaism is not a recognized religion, so it is illegal. Practitioners of Falun Gong are arrested virtually every day when they do their exercises on Tiananmen Square or in other public places. And no member of any religion is allowed to proselytize freely, even though spreading the word is a key element of many faiths.

While Senator HARKIN and I did not have the opportunity to visit Tibet, I remain concerned about efforts to suppress Tibetan culture and religion. I hope the Chinese government will enter into dialogue with the Dalai Lama—without preconditions—with the aim of allowing him to return to Tibet as a spiritual leader.

So is there freedom of religion in China? I think a typical Chinese answer might be ''Yes, within limits.''

Freedom of speech is similarly limited. Pre-publication censorship through approved publishing houses ensures that the Chinese government can review and approve the content of any published work. Some books have been banned, recalled and destroyed after publication because a senior party member or official found them offensive.

During my visit to Beijing, I was pleased to hear Premier Zhu Rongji commit to continued progress on human rights. However, much work still needs to be done.

One of China's most egregious laws, under which people could be jailed as ''counter-revolutionary,'' was repealed in 1997. But hundreds or perhaps thousands of people sentenced under that statute remain locked up.

Perhaps the worst element of China's totalitarian state and arbitrary rule is the system of ''re-education through labor.'' Under this system, people can be deprived of their freedom for up to three years by the decision of a local police board—without ever being charged with a crime, much less having a fair trial. While indications suggest a change in the ''re-education'' system may be in the works, I hope China will eliminate it entirely.

Further, I was disturbed by the Chinese government's efforts to suppress dissenting voices. Our Chinese hosts refused to pursue our request to meet with Bao Tong, a former government official imprisoned for warning Tiananmen Square demonstrators of the impending crackdown, saying it was ''too sensitive.''

We will not forget the crackdown on democracy protesters in Tiananmen Square, nor will we sweep current human rights problems under the rug. That is not the mission. I am hopeful that a renewed United States-China relationship will yield better respect for human rights in China.

China's environmental policies are another serious concern. During the discussions in Kyoto about the world's climate, China insisted that only the U.S. and other developed countries should have to reduce greenhouse gas emissions. But China is the fourth largest and the most populous country in the world, so addressing global climate change will demand China's participation.

I raised these concerns with China's senior leaders and later with China's Environment Minister, Xie Zhenhua, at the State Environmental Protection Administration. The reaction I got was decidedly mixed. Minister Xie described China's concerted efforts to address environmental problems. For example, China has reduced annual soft coal production, and thus consumption, from 1.3 to 1.2 billion tons, with a goal of a further reduction to 1 billion tons, to reduce sulfur dioxide and particulate emissions and improve air quality. China is also increasing use of natural gas and has taken steps to remove the worst-polluting vehicles from the country's roads. However, Minister Xie then launched into a diatribe, saying that the U.S. bears principal responsibility for the degradation of the Earth's environment and that China has a right to pollute so it can develop economically.

I certainly hope recognition of the importance of environmental protection in China and global climate change will overcome the stale rhetoric of the old North-South economic discussions, so the U.S., China and other countries can join together to address common concerns. And I am hopeful that increased trade will foster more cooperation on that issue, including sales of environmentally sound American technology.

Many Americans are also rightly concerned about the working conditions and the rights of Chinese workers, particularly since American firms that follow American labor laws have to compete with Chinese producers.

Certainly, migrant workers in southeastern China—including underage workers—are exploited. And workers in China cannot meaningfully organize to protect their interests. China has strong labor laws, but enforcement is clearly lacking.

I visited a state-owned factory in Leshan, in Sichuan province, which produces equipment for power generation. Workers using large machine tools and working with large metal components had no protection for their eyes or ears, no hard hats and no steel-toed boots, as would be required in the U.S. Their work was clearly hard and dangerous, the hours long and the pay meager.

I also visited a garment factory in Shenzhen, the Special Economic Zone established 20 years ago near the border with Hong Kong. The factory manager told me workers are usually on the job for 40 hours a week, occasionally putting in overtime when the factory is busy. Workers themselves meekly said they probably work about 12 hours a day. But my staff looked through the rack of time cards near the door and discovered that virtually all of these textile workers arrive before 8 a.m., take a short lunch break and clock out after 10 p.m.—working nearly 14 hours a day, 7 days a week. And that earns them wages of 80 or 90 U.S. dollars per month, a bunk in a dormitory and meals.

The presence of American and other foreign investors and buyers can make a huge difference.

Senator HARKIN and I visited a factory near Shanghai that produces clothing for Liz Claiborne. The company appeared to be making a real effort to enforce fair labor association standards. We could see the results in working conditions. For example, the factory was well-lit and well-ventilated, even air-conditioned. Liz Claiborne's interventions led to the construction of a fire escape, and the workers' rights were clearly posted near the entrance. A Liz Claiborne representative on site not only ensures the quality of the product but also monitors compliance with China's labor laws limiting overtime hours.

Unfortunately, not all American and other foreign firms are as responsible. When I was in Hong Kong, the South China Morning Post had a front-page story about child labor in a factory in Guandong Province producing toys for McDonald's Happy Meals. Indeed, the toy industry is probably the most notorious for looking the other way as its Chinese suppliers exploit their workers. The bottom line is that trade with the United States and U.S. investment does not automatically lead to better working conditions and fairer treatment for Chinese workers. American and other foreign companies need to make fair labor standards a real condition of their business relationships.

So these are some of the problems I observed and concerns I raised in China.

I come to the key question: Can we as a nation best make progress on these issues by granting PNTR or by denying it?

Our annual reviews of Most Favored Nation treatment of China have provided important leverage with Beijing. Congress reviewed issues of importance to us, and members of the House and Senate and Administration officials raised these concerns with Chinese officials. Many times, China took significant steps to show progress, and arguably future-oriented leaders used the opportunity to promote reforms. Under H.R. 4444, a commission will still look at China's human rights record and other concerns each year, but without the implicit leverage of a vote on MFN.

Some have suggested we vote down PNTR to maintain our annual vote and the associated leverage. After all, China will still be interested in selling goods in the U.S. market, though we would not have access to WTO rules and dispute settlement mechanisms.

However, voting down PNTR would not simply maintain the status quo. Chinese leaders—and many Chinese citizens—see this debate on PNTR legislation as a referendum on the U.S.-China relationship. Rejecting PNTR means rejecting any hope of a cooperative relationship with China in the near-term. And cooperation, too, has yielded important progress. On the national security front, the U.S. and China have cooperated to promote peace and reconciliation on the Korean Peninsula. And the WTO contains a national security exception that will allow us to maintain technological controls and other national security restrictions on trade. On the human rights front, China has signed the International Covenant on Civil and Political Rights, though the National People's Congress has yet to ratify it. The presence of American firms willing to forego some of their profits to treat workers decently has helped raise standards of working conditions.

China is going to have access to the U.S. market regardless of how we vote. If we grant PNTR to China, however, we will gain the benefit of WTO dispute

settlement mechanisms to better ensure China's commitment to free trade. By granting PNTR, we do give up the right to review China's trade status annually, but we can advance our agenda on non-economic issues through increased dialogue, by bringing China into multilateral agreements and institutions, and through stronger bilateral cooperation.

Economically, I believe the world and the American and Chinese people have a lot to gain by granting PNTR.

As I discussed earlier, China's economic growth over the past two decades has been staggering, as a result of its opening to the world some 20 years ago. China has risen to become the world's ninth largest exporter and the eleventh largest importer.

In November 1999, we completed a landmark Bilateral Trade Agreement with China, which is contingent on our approving PNTR. In that agreement, China pledged to reduce tariffs on a number of imports. For example, all tariffs on information technology products such as semiconductors, telecommunications equipment, computers and computer equipment are to be eliminated by 2005. Tariffs on industrial products would decline from a simple average of 24.6 percent to 9.4 percent.

The agreement also opens China's markets in a wide range of services, including banking, insurance, telecommunications, distribution, professional services and other business services. China is expected to join the WTO's Basic Telecommunications Agreement and end geographic restrictions on wireless services and its ban on foreign investment in telecommunication. Such changes are good not only for China but for America.

But establishing Permanent Normal Trade Relations is something we can do only once. Some economists have raised serious questions about whether we have gained enough access to China's markets for goods and services. Did USTR's negotiators get a good deal? I think that's a difficult question to answer now. Our annual trade deficit with China stands at a shocking $56.9 billion.

One key factor which will determine how good a deal we got is compliance. How well will China fulfill its obligations? Through China's WTO accession and the establishment of PNTR, we will be able to hold China accountable for its trade commitments through the WTO's transparent, rules-based dispute settlement mechanisms. If China arbitrarily increases a tariff on an American product or engages in retaliatory actions against the U.S., we could seek redress under WTO regulations.

How effectively will we monitor compliance and use these mechanisms and our trade laws to bring China's laws and practices into line? This is a very serious question. China is a large country—nearly the size of the United States—and the application of national laws is grossly inconsistent across the country. Moreover, U.S. firms doing business there seem to understand their immense reliance on the goodwill of China's government and Communist Party. Will these firms be willing to risk a deal in Guangzhou by asking USTR to pursue action against arbitrary and discriminatory treatment in Inner Mongolia? Or will American firms continue to emphasize cooperation with Chinese authorities?

This bill rightly stresses the need for the U.S. government to monitor China's compliance with its trade obligations and use the WTO's dispute settlement mechanisms. But if we fail to grant PNTR for China, WTO dispute mechanisms will not be available to us.

Mr. President, China is already America's fourth largest trading partner. According to administration statistics, American exports to China and Hong Kong support an estimated 400,000 well-paying U.S. jobs.

China's WTO accession and the 1999 bilateral agreement will further open China's markets to American goods and services and protects American intellectual property rights. I believe will prove to be a good deal for America's working families.

New Jersey undoubtedly stands to benefit from China's accession to the WTO and improved market access. At the end of 1998, China ranked as New Jersey's ninth largest export destination, with merchandise exports worth $668 million. Important New Jersey firms, such as Lucent Technologies and Chubb Insurance, are already active in China and will have more opportunities as a result of China's market opening under the 1999 bilateral trade deal.

Mr. President, there are some potential risks in granting permanent normal trade relations to China now. While I have concerns about China's record in the areas I have outlined, I believe that China is undergoing momentous change. The best way to promote continued progress on issues of concern and help our economy is to grant China permanent normal trade relations status.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, one would think from the comments made by my distinguished friend from New Jersey and others that the issue was the welfare and benefit of the People's Republic of China. I have no particular gripe at this moment about China. I think, as the Senator from New Jersey pointed out, it is working. China has a very competitive trade policy. They are making improvements industrially, economically, even environmentally, and perhaps with labor standards. That is not the issue.

The issue is the viable, competitive trade policy of the United States of America. You would think that we had the finest, most wonderfully competitive trade policy there could be. The fact is, we have a $350 billion trade deficit that we know of, and this year, 2000, it is going to approximate $400 billion.

Last month, the Department of Commerce announced we had lost 69,000 manufacturing jobs. The fact is, we have gone from the end of World War II, with some 42 percent of our workforce in manufacturing, down to 12 percent.

As the head of Sony—the Japanese just beat us in softball last night, and they are beating us in trade—as the head of Sony, Akio Morita, said, that world power that loses its manufacturing capacity will cease to be a world power.

We hear high tech, high tech. They are running around here as if they have discovered something. Senator, you don't understand global competition, they say. We have high tech. We want to get away from the smokestack jobs to the high-tech jobs.

Let me say a word about that. I know something about both. I have both. I would much rather have BMW than Oracle or Microsoft. Why do I say that? BMW is paying $21 an hour. A third of Microsoft's workers are paid $10 an hour, part time, temporary workers, Silicon Valley. Forty-two percent of the workers in Silicon Valley are part-time, temporary workers. I am not looking for temporary jobs. I am looking for hardcore middle America jobs.

That is the competition. The competition in global competition is market share and jobs. We treat foreign trade as foreign aid. Free trade, free trade. They say: You don't understand high tech. The truth is, we have a deficit in the balance of trade in advanced technology products with the People's Republic of China. Last year, it was $3.2 billion. It will approximate $5 billion this year.

But Senator, agriculture. Agriculture? There is a glut of agriculture in the People's Republic. Once they solve their transportation and distribution problems, they are not only going to feed the 1.3 billion, but the rest of the world. Come now, the 800 million farmers they have at the moment can certainly outproduce the 3.5 million farmers we have in America.

We had a deficit in the balance of trade of $218 million last year with the People's Republic of China. People don't understand where we are. I have a deficit in the balance of trade of cotton. I am importing cotton from the People's Republic of China.

They say: Wait a minute, what about the airplanes? Well, yes, they have orders for 1,600, we just heard a minute ago. We will cut that in half. That is really 800, because 50 percent, according to Bill Greider of the 777 Boeing plane, is going to be made in downtown

Shanghai. The MD 3010, 70 percent of that aircraft is made in the People's Republic of China. So what are we doing? Are we transferring all of the wonderful middle-class American jobs to China? And we are running all over the country hollering, ''I am for the working families, I am for the working families,'' when, since NAFTA, they have eliminated 30,700 working families in my little State of South Carolina. We lost over 500,000 over the Nation. So we are eliminating working families, and we say, ''But China is going to really start enforcing and adhering and be made accountable.'' Not at all.

Japan is not. Incidentally, Japan has been in the WTO for 5 years and it hasn't opened up yet. I don't know where they get the idea that once we get this particular agreement and China in the WTO, it is going to open its market. That doesn't open markets. Otherwise accountable? The People's Republic see what happened with the United States and Japan and with the United States and the United Kingdom. The President was up in New York the week before last with Prime Minister Blair, and the Prime Minister is fighting for a thousand jobs, and the President of the United States is exporting them like gang busters and fighting for bananas that we don't even produce. Fighting for bananas. Come on. When are we going to sober up and get a competitive trade policy?

For a second, I don't have the idea that we ought to cut off trade; that is ridiculous because it is impossible. We are going to trade with China. I just want to cut the word ''permanent'' out and have a look-see and try to get organized a trade policy whereby we can correlate 20 different departments and agencies, our Department of Commerce and Trade, and start really competing in a controlled global economy.

The fight there, of course, as I see it, is for market share. The fight is for jobs. We are not doing it. I guess my time is pretty well limited.

Alexander Hamilton enunciated the competitive trade policy of the People's Republic of China in 1789. The first was for the Seal of the United States. The second bill that passed this Congress in July 1789 was a 50-percent tariff on 60 articles. Protectionism. We learn how to build up. The Brits suggested to us that we trade with them what we produce best and they trade back what they produce best. Free trade, free trade. Hamilton, in his writing ''Report on Manufacturers,'' told the Brits: Bug off, we are not going to remain your colony, exporting our raw materials, our agriculture, our timber, our iron ore, and importing your manufactured products. And therein is the policy of the People's Republic of China. I welcome it. I welcome the competition. But you can't find it here in the Congress. You can't find it in the Presidential race.

You would think we had a good policy of some kind. Nothing on the floor. People are coming up here, like myself, reciting their little positions, with no debate. Somebody said ''invigorating debate.'' They couldn't care less. This vote has been fixed. This thing has been fixed since midsummer. You know it and I know it. They will give you time. There is nobody seated on the other side. Let the RECORD show that. Absolutely nobody is in a chair on the Republican side of the Senate as I speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask my colleague—I have 10 minutes reserved—if my colleague from Illinois needs to speak——

Mr. DURBIN. Mr. President, I make the following unanimous consent request. I understand 6 minutes is left of the Democratic leader's time. Senator WELLSTONE asked for 10 minutes. I ask unanimous consent to follow Senator WELLSTONE and to speak for 6 minutes on the Democratic leader's time, unless a Republican Member comes to the floor, at which point I will yield to them to speak.

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

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator HOLLINGS from South Carolina, for his remarks. Let me say to my colleague from South Carolina, I can't imagine the Senate without Senator HOLLINGS—the color, the power of the oratory and, frankly, being willing to stand by the courage of his convictions. He is a great Senator.

Mr. HOLLINGS. The Senator is too kind. I thank the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to include this in the RECORD today.

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

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

[From the Washington Post, Sept. 19, 2000]

CATHOLIC 'CRIMINALS' IN CHINA

The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu. The Cardinal Kung Foundation, a U.S.-based advocate for the Roman Catholic Church and its estimated 10 million followers in China, reports that Bishop Zeng was nabbed last Thursday. An embassy spokesman here said he could't comment. This wouldn't be a first for this apparently dangerous cleric. He was imprisoned for a quarter-century beginning in 1958. In 1983, the Communists let him out—for one month. The they jailed him for another eight years, until 1991. In 1996—at the age of 76—he was sentenced to three years of forced labor and reeducation. When he was released with six months still to run on that sentence, in 1998, the Clinton administration trumpted the news as ''further evidence that the president's policy of engagement works.'' The fatuousness of that statement must be especially clear to the bishop from his current jail cell.

Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer. He refuses to submit to Communist atheism or to the control of the Catholic Patriotic Association, an alternative ''church'' created by the regime that does not recognize the primacy of the pope. China's government is willing to tolerate some religious expression as long as it is dictated by the government. Anyone who will not submit—whether spiritual movements such as Falun Gong, evangelical Protestant churches, Tibetan monasteries or the real Catholic Church—is subject to ''repression and abuse,'' the State Department said in its recent report on international religious freedom. The admirably straighforward report noted that respect for religious freedom ''deteriorated markedly'' in China during the past year. ''Some places of worship were destroyed,'' it said. ''Leaders of unauthorized groups are often the targets of harassment, interrogations, detention and physical abuse.''

Bishop Zeng is a man of uncommon courage, but his fate in China is sadly common. Three days before his arrest, Father Ye Gong Feng, 82 was arrested and ''tortured to unconsciousness,'' the Cardinal Kung Foundation reports. It took 70 policemen to perform that operation. Father Lin Rengui of Fujian province ''was beaten so savagely that he vomited blood.'' Thousands of Falun Gong practitioners have been arrested during the past year; the State Department cites ''credible reports'' that at least 24 have died while in police custody.

Last month the Chinese government launched a public relations mission to the United States, dispatching exhibits, performers and lecturers—on the subject of religious freedom, among others—on a three-week charm offensive. ''American voters should get to know us,'' said the Chinese functionary in charge. The U.S. ambassador to China, Joseph Prueher, appeared at a joint news conference announcing the mission, and a number of U.S. business executives—from Boeing. Time Warner and elsewhere—happily sponsored it. We have nothing against goodwill cultural exchanges, but Chinese and American officials should not delude themselves that U.S. suspicions are caused chiefly by prejudice or lack of understanding. On the contrary, Americans understand just fine what kind of government throws 81-year-old clerics into jail.

Mr. WELLSTONE. Mr. President, this is all so timely. In this Washington Post article, the lead editorial is: ''Catholic 'Criminals' in China.''

The first sentence reads:

The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu.

. . . Bishop Zeng was nabbed last Thursday.

He spent a good many years in prison.

. . . Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer.

Bishop Zeng was picked up last week and is now imprisoned again. I quote again from the editorial:

. . . Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer.

Mr. President, every Senator should read this editorial today before they vote. I came to the floor of the Senate with an amendment. It merits a report from a commission we had established, to report back to us, a Commission on Religious Freedom, chaired by David Sapperstein. The commission looked at the situation in China and it made a recommendation to us. The commission's recommendation was, right now in China, as evidenced by what happened to this Catholic bishop, an 81-year-old bishop imprisoned for being a Catholic, that it is a brutal atmosphere and we in the Senate and the House of Representatives ought to at least reserve for ourselves the right to annually review trade relations with China so we can have some leverage to speak out on human rights. That amendment lost.

I brought another amendment to the floor. I said based upon China's agreement with the United States in 1991, a memorandum of understanding, and then another agreement in 1993, which the President used as evidence that we would delink human rights with trade policy with China, we should call on China to live up to its agreement that it would not export to this country products made by prison labor. Many of these people are in prison because they have spoken out for democracy and human rights. That amendment lost.

I brought another amendment to the floor of the Senate, which was an amendment that said men and women in China should have the right to organize and bargain collectively; they should be able to form an independent union. I cited as evidence Kathy Lee and Wal-Mart paying 8 cents an hour from 8 in the morning until 10 at night—mainly to young women. They get 1 day off a month. I said shouldn't we at least say we want to extend the right to annually review trade relations until China lives up to this standard? That amendment lost.

Then I offered an amendment with Senator HELMS from North Carolina, a broad human rights amendment, citing one human rights report after another saying that China needed to live up to the basic standard of decency when it comes to respecting the human rights of its people. That is a sacred issue to me—anywhere in the world. That amendment lost.

I want to conclude my remarks on the floor of the Senate in three ways. First, I hope I am wrong, but I believe we will deeply regret the stampede to pass this legislation and the way in which we have taken all the human rights, religious freedom, right to organize, all of those concerns, and we have put them in parentheses and in brackets as if they don't exist and are not important. I think we will regret that. I think we will regret that because if we truly understand the implications of living in an international economy, it means this.

It means that if we care about human rights, we have to care about human rights in every country. If we care about the environment—not just in our country—if we care about the right to organize—not just in our country—if we care about deplorable child labor conditions, we have to be concerned about that in every country. When we as the Senate and as Senators do not speak out on human rights, we are all diminished. When we have not spoken out on human rights in China, I think our silence is a betrayal.

I will make two other final points.

I have heard my colleagues argue ''exports, exports.'' I have spoken plenty about this legislation, and I will not repeat everything I said but just to say I think the evidence is pretty clear. Not more exports but more investment—there is a difference.

I think what will happen is China will become the largest export platform with low-wage labor under deplorable working conditions exporting products abroad, including to our country, and our workers will lose their jobs. Frankly, we will be talking about not raising the living standard of working people but lowering the living standard.

On agriculture, I think there was a piece in the New York Times on Sunday. Every day there is an article in the newspaper about China. It is not a pretty picture. It is as if many of my colleagues want to turn their gaze away from the glut in production—about the protests, about people being arrested for the protests.

Frankly, as to the argument that we are going to have many more exports to China and that is going to be the salvation of family farmers—the President of the United States came out to Minnesota and basically made that argument—we can have different views about human rights and whether or not there will be more respect for human rights as we have more economic trade relations in China, but so far that is not the evidence. I can understand how people honestly disagree. I don't believe that most-favored-nation status or normal trade relations with China is the salvation of family farmers for this country.

I want my words in this debate to be heard. I want to stick by these words, and I want to be held accountable. I want every other colleague who has made such a claim, that this will be the salvation for our family farmers in this country, to also be held accountable.

Finally, I say to Senators that I believe we will lose this. And people in good conscience have different viewpoints. I can't help speaking with some strong feeling at the end of this debate to say this: I will look at this debate and vote with a sense of history. One-hundred years ago, our economy was changing. We were moving to a national economy—industrialized national economy. You had farmers, laborers, religious communities, populists, and women. And they made a set of standards. They wanted an 8-hour day. They wanted to abolish some of the worst child labor conditions—antitrust action; women wanted the right to vote; direct election of U.S. Senators. They wanted the right to organize and bargain collectively. The Pinkertons were killing labor organizers. The media were hostile. Money dominated politics. But many of those demands became the law of the land over the years and made our country better. So it is today. This is the new economy. It is an emerging global economy.

What we were saying is we want to civilize the global economy and make it work—not just the large conglomerates. We want this new global economy to work for the environment; to work for family farmers and producers; to work for human rights; to work for religious freedom; to work for workers. That is what this debate has been about.

I think this will become where you stand in relation to this new global economy. I think it can become some kind of axis of American politics over the next 5, 6, 7, 8, or 9 years to come.

I am proud to stand for human rights. I am proud to stand for religious freedom. I am proud to stand for the right of people to organize. I am proud to stand for an international economy but an international economy that is based upon some standard of decency and fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the leader, Senator DASCHLE, I yield 30 minutes to Senator BYRD, 5 minutes to Senator BAUCUS, and 15 minutes to Senator MOYNIHAN. I say to my Democratic colleagues, that is all the time we have. Senators shouldn't ask for an extension of time because there is no more time on the Democratic side.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I asked for 6 minutes. Was that calculated?

Mr. REID. Yes. I understood that had also been granted. If not, I grant 6 minutes.

Mr. DURBIN. Thank you very much.

Mr. President, I rise today in support of Permanent Normal Trade Relations with China. Today the United States Senate will vote to grant PNTR to China and its 1.2 billion people. We will decide whether or not to allow American farmers, manufacturers, businessmen and women to trade their products, their ideas, their goods with one-fifth of the world's population.

Last November, after more than a decade of negotiations, the Clinton Administration signed a bilateral agreement that will drastically reduce barriers on American products and services going to China. The agreement is clearly in the best interests of our nation's farmers, manufacturers, and workers. Supporting China's entry into the WTO is clearly in the best interests of our economy, national security and foreign policy.

Trade is the future. Make no mistake about it: trade can open up the exchange of ideas—ideas like democracy, freedom of speech, freedom to worship, and freedom of association. China stands on the brink of becoming the most important trading partner the U.S. has ever seen and the U.S. Senate will go on record in support of this important step in international trade and foreign policy.

When China concludes similar agreements with other countries, it will join the WTO. For us to benefit though, we must grant China PNTR status—the same status we have given other countries in the WTO. And, Mr. President, that's what this debate is about. Do we give China the same status as the other countries already in the WTO? Do we put them in an environment where they will have to follow the rules and be held accountable if they break them?

Many of my colleagues have come to the floor of the United States Senate over the last several weeks to offer amendments to this legislation. They've all been defeated, with my help, despite the fact that I agree with the intention of almost everyone of them. I voted against every amendment offered because I know and the American people watching this debate know that amending H.R. 4444, at this point in the process is a death knell.

We defeated goodfaith amendments like Senator THOMPSON's non-proliferation amendment, Senator WELLSTONE's religious freedom and right to organize amendments, and Senator HELMS' amendment regarding forced abortions. I agree with the intent of my colleagues. China should not engage in the proliferation of nuclear technology. China should not prevent workers from organizing. China should not force women to adhere to any type of ''one family, one child'' policy.

But, the bill we're debating is a trade bill. And if it's changed in any way, shape, or form, it will go back to the House of Representatives and die.

My friend in the House of Representatives, Rep. SANDER LEVIN, successfully added language to the House-passed legislation that, I believe, holds China accountable. The Levin/Bereuter language establishes a formal Congressional-Executive Commission on China to institutionalize mechanisms for maintaining pressure on China to improve its human rights record, increase compliance with basic labor standards, and abide by current and future commitments. This commission would review and report on China's progress in these areas and make recommendations to the Administration and Congress. My friends who offered amendments regarding human rights on the floor of the Senate will be able in the future to review China's record in this important area.

The Levin proposal would also push for more transparency at the WTO, including urging prompt public release of all litigation-related documents and the opening of secret meetings of the dispute settlement panels. The United States pays dues to the WTO and we have a right to know what goes on in those meetings. I've heard over and over again about the secrecy of the WTO. It's time for the WTO to shed some light on what really happens in these meetings that affect real American workers, so that workers will be able to see that we can rely on their rules-based trading system for relief when and if it's needed.

The Levin–Bereuter proposal empowers the Congress by seeking special congressional review of U.S. participation in the WTO two years after China's accession, to assess China's implementation of WTO commitments. We'll have the power to see just how well China is abiding by its commitments.

And finally, the legislation expresses congressional support for Taiwan's accession to the WTO immediately after China's accession. While the Chinese aren't happy about this provision, I believe that it's important to allow Taiwan the same trading rights as mainland China.

America began as an agrarian nation, then transformed itself into an industrial power, and now over 200 years later, we're the leading economy in the world due, in part, to our ability to recognize that competition can force a country or a company to excel or fail. America has never feared competition.

And it's a reality that global competition is here and it's here to stay. Opponents argue that we must stop globalization, that we must punish the Chinese for all their human rights abuses, for prison labor abuses, for Tiananmen Square. Every year, we vote on whether or not to grant NTR status to China. Throughout my time in the House and Senate, I've voted both for and against NTR. Every year, we take a look at how China treats its citizens, wondering whether or not our annual review of their trade status would change their behavior.

Many say that the Congress shouldn't give up that right to annual review—that if we annually examine how the Chinese treat their people, and based upon that, deny or give them preferred trading status, somehow they will clean up their act and guarantee every Chinese citizen basic human rights. It's time we changed our approach. It's time to bring democracy to China via the Internet, via U.S./Chinese commerce relationships, via other U.S. products. It's time to bring social progress to China, not with messages from Congress but messages from across America, from businesses, labor traders, educators with new access to a society too often closed to diverse opinion.

President Clinton noted recently that ''In the new century, liberty will spread by cell phone and cable modem.'' Take a look at America with access to the Internet and now think back to the days when access to world knowledge was only through the printed media. America is a different nation because of this progress and China has the potential to change too.

Think for a moment about what would happen if we denied PNTR to China. I believe that if we sent that signal to the Chinese people, the walls of isolation would be strengthened. The hardline Communists would be emboldened more so than before. If we vote against PNTR, Beijing won't free a single prisoner. They will turn inward and the limited freedoms the Chinese people currently enjoy could well disappear.

And this argument ignores our experience with the Soviet Union during the height of the Cold War. We spent trillions of dollars to oppose a regime that was rife with human rights abuses, yet we still sold them, in the words of the late Hubert Humphrey, ''just about anything they could not shoot at us.''

China will enter the WTO, with or without our support. The questions is: will America benefit from it or will the Chinese buy products and services from the Europeans or the Canadians or the Mexicans? To me, it's a clear choice: Americans will benefit from free and fair trade with China. And China will change for the better as it opens its doors to the world.

What about Illinoisans? How will farmers from Peoria and Cairo benefit from this action? How will major Illinois-based U.S. corporations like Motorola and Caterpillar and Bank of America and the thousands of Americans they employ benefit from this agreement?

The average tariff for agriculture products will be 17.5 percent and, for U.S. priority products, 14 percent, down from 31 percent. Farmers in downstate Illinois, will benefit from this; there's no doubt about it. At present, China severely restricts trading rights and the ability to own and operate distribution networks. For the first time, Illinois exporters will have the right to distribute products without going through a State Owned Enterprise. Illinois is already a significant exporter of farm and industrial goods. In 1999, Illinois exported $9.3 billion worth of industrial/agriculture

machinery. We shipped just over $6 billion in electric equipment as well. Illinois farmers exported roughly $3 billion in commodities to other countries. Illinois exports in 1999 totaled over $33 billion. Of that, $850 million was sold to China.

Companies like Motorola (with over 25,000 employees in Illinois) which pays tariffs of 20 percent on pagers and 12 percent for phones, will see those tariffs slashed. The Illinois soybean farmer will see the tariff-rate quotas completely eliminated.

Banks will be able to conduct business in China within the first two years of accession. They will have the same rights as Chinese banks. Geographic and customer restrictions will be lifted in five years, thereby allowing them to open a branch anywhere in China, just like they can here. U.S. automakers, like the Chrysler plant in Belvedere, Illinois, will see tariffs on their products slashed from 100 percent to 25 percent.

Pike County, Illinois pork producers will be able, for the first time, to export pork to China. Under the current scheme, China's import barriers have effectively denied access to American pork products. We're talking tariffs in the range of 20 percent that will drop to 12 percent by 2004.

What about Illinois steelworkers, still reeling from the 1998 steel crisis? China will reduce its tariffs on steel and steel products from the current average of 10.3 percent to 6 percent. They've agreed that any entity, like Acme Steel with facilities in Riverdale and Chicago or Northwestern Wire and Rod in Sterling, will be able to export into any part of China, phased in over 3 years.

Peoria-based Caterpillar, with almost 30,000 Illinois employees, has recently invested in several new facilities in China. They've also recently announced the sale of 18 new trucks to the Shanghai Coal Company, trucks that will be made in Decatur, Illinois, and shipped halfway around the world. This is the type of investment by Caterpillar that maintains local jobs throughout towns and cities across Illinois.

Of course, many of these are big corporations. What about small businesses? How will they benefit from this agreement?

In 1997, 82 percent of all U.S. exporters were small businesses, generating over 35 percent of total merchandise exported to the East. Paperwork burdens for America's small businesses will be reduced drastically as customs and licensing procedures will be simplified. America's small businesses don't export jobs to China. They export ideas and products to a people who need and want their products and services.

No one expects this trade agreement and our future relationship with China to be easy. Already, Beijing officials have begun backtracking on several of their commitments made last November. I understand that at the most recent session of the WTO Working Party on China's accession, China objected to having its implementation of trade obligations reviewed every other year. A Chinese proposal dated July 14th strikes language in the protocol referring to bi-annual reviews and replaces it with language providing for reviews every four years. Their rationale is that they're a ''developing'' country.

This is absolutely unacceptable. The fact is, China is not a typically developing country and it shouldn't be allowed to cloak itself in that status. It's a uniquely large country and economy, where the essential elements of a market economy are taking root. Four years is far too long a time between reviews of China's implementation. If this proposal were adopted, it would make WTO dispute settlement the only formal channel by which we could ensure China's fulfillment of its trade obligations. Just one example: if China automatically received developing country status, it would receive special treatment like allowable export subsidies that wouldn't be treated as subsidies. If the Chinese flooded the U.S. market with steel (as is the case now), the U.S. steel industry wouldn't be able to use U.S. countervailing duty trade laws because that law doesn't apply to subsidization for developing countries. There are other areas where the Chinese would like to backpedal. But, Mr. President, we must hold them to the November agreement and discourage future backtracking of that agreement by Chinese trade officials. Any unwillingness by the Chinese to abide by this agreement at this point should be roundly condemned by this Administration and other foreign nations, who just might find the Chinese backtracking with them as well.

Trade with foreign countries means nothing if it's not carried out under a rules-based system. Trade commitments require full enforcement to have meaning. With China's WTO membership, we will gain a number of advantages in enforcement we do not currently enjoy.

First, there is the WTO dispute mechanism itself. Remember that China has never agreed to subject its decisions to impartial review, judgment, and possible sanctions if necessary. That will now happen.

Second, we will continue to have the right to use the full range of American trade laws, including Section 301 and our Anti-dumping/Countervailing Duty laws. It's important, though, to have an administration that will use these trade laws effectively. It's my hope that the next President will not hesitate to bring cases against China and other countries if they break our trade laws.

And finally, we strengthen our enforcement capabilities through the multilateral nature of the WTO. In effect, China will be subject to enforcement by all 135 WTO member nations, thus limiting their ability to play its trading partners against one another. The U.S. won't be alone if China breaks the rules.

Opponents of PNTR argue that it's NAFTA all over again. You'll remember Ross Perot's soundbite: ''That great sucking sound.'' You'll remember that some said the American economy would go down the tubes, that hundreds of thousands of American workers would lose their jobs to cheap labor in Mexico if NAFTA were enacted.

Here's Illinois' story. Gross jobs added in export industries from 1993–1998 totaled over 60,000. Net jobs totaled almost 40,000. There was no great sucking sound. US unemployment is still low. There are more people employed in Illinois right now than at any time in its history. The Illinois Department of Commerce estimates that nearly half a million jobs are supported by exports and that there's been a 51.6 percent increase in Illinois jobs sustained by exports since enactment of NAFTA.

Yes, some folks have lost their jobs due to trade. The Department of Labor certified 50 Trade Adjustment Assistance cases in Illinois from 1994–1999, totaling 5,718 jobs lost. Frankly, losing 5,718 jobs is still too many. When workers lose their jobs, we should do more than just provide TAA. We should find ways to train our workers in emerging fields and industries so they get new jobs that are at least as good as the ones they lost. That's the responsibility of the American business community, educators, and federal, state, and local governments. This is the best opportunity we've had in years to export American ideals and products. We should also ensure we don't export American jobs.

Worker re-training is one of the most important debates that this Congress should focus on. Today, we voted on a cloture motion on H1B visas. I have almost 6,000 Illinoisans who've lost their jobs due to trade, yet we have to import workers from foreign countries because we have industries begging for skilled workers to show up for that 9–5 job. Yet, our way of solving the skills shortage in the U.S. seems to be through the importation of highly-skilled foreign workers—a Band-Aid approach that doesn't solve the underlying problem. America, as a nation that gains from trade, has an obligation to use a portion of those gains to support and re-train those who've been ill-affected. We must do more to help American workers train for and get jobs that will move them up the economic ladder.

In 1998, we passed the Workforce Investment Act. One important component of the WIA is the funding stream for dislocated workers. Grants to

states and local communities provide core, intensive training and support services to laid off workers. Under President Clinton, dislocated worker funding has tripled from $517 million in 1993 to $1.589 billion for FY2000. This is an important program, like Trade Adjustment Assistance, that helps American families deal with an economy that's transforming itself as ours is today.

But is it enough? Is it enough to train workers after they lose their jobs or do we need to start before it's too late? With public/private partnerships, we can train America's workforce for the jobs of the 21st Century, the hi-tech jobs, the nursing jobs, the educator jobs. It's our responsibility to encourage companies like Caterpillar and Motorola and Cargill and others to let local, state, and federal officials know what types of workers they must have to meet their needs for the future. We should encourage more Americans to pursue higher education and skills training. I'm working for measures like college tuition tax incentives that would provide tax deductions or credits for America's working families to give their children the opportunity to prepare for the jobs of this new economy. We also need assistance to help workers with skills training and lifelong learning.

Some would argue as Lenin did that a capitalist will sell you the rope you will use to hang him, but I think such trade serves a greater purpose than profit. Information technology, now a key element in the future of business, also is a key element in undermining government control of thought and appetite. If you can flood a nation with modems people use to learn and trade, no government can bridle the expansion of thought and diversity that will follow.

Chinese leaders, recognizing the transformative nature of the free flow of ideas, have tried recently to clamp down on Internet usage by its citizens. This will never work as the authorities in Beijing will learn. China must either give up its desire to build a modern, high-tech economy or allow the free exchange of information that a modern economy requires. I accept the American premise that if you give people a little freedom and enough information, the desire for freedom, democracy and the chance to work hard and succeed will prevail.

You can station Chinese tanks on Tiananmen Square on a full-time basis, but if you let the open exchange of ideas and business transactions flow through those glowing modems, China will change for the better.

Let's grant PNTR to China and begin a new chapter in the book of U.S.-China relations. Bringing down trade barriers; Opening up new markets; Giving American workers a chance to compete; And giving America's customers a chance to enjoy the best our country can produce: It's a formula for success. It's a challenge America has never shirked.

Our workers, our farmers and businesses are counting on us to trust their ability to rise to the challenge in this new century. We cannot fail them.

Mr. President, I listened carefully to the debate and statement made by my colleague, Senator WELLSTONE, as well as Senator HOLLINGS of South Carolina. These two Senators and many others have spoken from the heart during the course of this debate. The Senate of the United States and the Nation are well served by the element they bring to this debate, their deep-felt convictions, feelings, and values that have been exhibited not only in their floor statements but in the amendments they have offered over the last several weeks.

Though I may disagree in my conclusion on this treaty, I can tell you I have the greatest respect and admiration for their leadership and for standing up on these issues of human rights.

I would like to put this in perspective. If we believe the vote we take this afternoon will give China some new benefit, then one could argue that we should ask for something in return. One could argue that if we are going to give China something, we should ask them to make changes in China in their human rights policy, which is reprehensible—the way they treat the press, the way they treat religions in that country, their forced family planning policies, the coercive attitude they have towards families and their future in China, the terrible things which we have heard about, proliferation—all of these should be on the table and part of the agenda as we negotiate, if the agreement we are voting on is, in fact, a benefit given to China. But let me suggest to you it is not. We are receiving the benefit from this agreement. Let me explain.

The World Trade Organization is a group of over 130 nations which have come together and said we are going to do away with the old school of thinking where every country would put up tariffs and barriers to trade with other countries. We are going to try a new approach. We are going to try to drop those tariffs and barriers and see what free trade will do. Let each country make a product and a service the best and sell it around the world. That is what the World Trade Organization is about. Over 130 nations have agreed that those are the rules by which we will play.

Today in the Senate this will be a historic vote to decide whether or not we bring China into the World Trade Organization and compete with U.S. trade policy—in other words, the relationship between the United States and China. China, in order to be part of this World Trade Organization, has said they will agree to drop our tariffs and barriers substantially so that American companies and farmers and others can export to China. In other words, this is a win-win situation for America's economy. It is China that is making all the decisions to drop the tariffs and drop the barriers and give us a chance to compete—give us a chance to sell to 1.2 billion people; give us a chance to sell to one-fifth of the world's population. We win; they drop the barriers; America gets a chance to sell overseas. That is what is at stake here.

If this benefit comes to the U.S. economy to be able to finally get into this market and compete, then it is kind of hard to argue that we ought to be holding off and conditioning this benefit on all sorts of changes in China.

I have seen the amendments that have been offered by many of my colleagues on the floor over the last several weeks. Many of these are good faith amendments. Many of these I agree with totally in principle. I voted against every single one of them. How can that be? Because, frankly, they don't belong on this bill. This is a trade bill. Let us address the issues of human rights, workers, environmental concerns, and proliferation by China through a variety of other approaches. But to use this trade bill is a mistake.

This trade bill gives us a chance to say to workers across America that we are going to give them a new market; we are going to give them a new chance. If my colleagues believe as I do that globalization and global competition really are the future of this country, we in America need markets in which to sell. That is what this is about.

I have a lot of confidence that American workers and businesses and farmers, given a chance to compete by fair rules, can succeed. If you believe that, you have to vote for this bill; you have to open this market. You have to give us a chance to sell in what is one of the largest markets in the world. That is what it comes down to.

There is also a provision that was added to the House bill which I support completely. It is known as the Levin/Bereuter amendment. It is a bipartisan amendment by SANDY LEVIN, a Democrat of Michigan, and DOUG BEREUTER, Republican of Nebraska. They come together and say China has to play by the rules. And we will watch them carefully with an executive commission to make sure they are not only playing by the trade rules but treating their people fairly.

I think that is the right way to proceed. I think it covers many of the issues raised during the course of this debate. But, frankly, we cannot hold up the expansion of trade opportunities waiting for China to become a democratic nation. In fact, I think expanding trade in exchange will lead China

into democracy, into freedom, closer to what we value as principles in this country. Why do I believe that? I saw Tiananmen Square on television. I saw these tanks that were mowing down common citizens standing up for freedom. It was reprehensible. It was disgusting. But we saw it on television. There was a time not that long ago we would have never seen it. We would have heard about it months later. The world is opening up. We are seeing things in real time from around the world, in China and other nations, and as a result the court of world judgment says it is wrong and you have to change it, and the pressure starts building.

Think about expanded economic exchange with China, expanded trade, more foreign visitors, American businesses, American farmers, and educators going into China, becoming part of their economy. Think about this information technology as the Internet opens up China to new thinking and ideas around the world.

Do you know what we believe in this country? We believe if people are given the opportunity to hear diverse opinions, if they are given the opportunity to see what the rest of the world looks like, they will move closer to our model, closer to democracy, closer to freedom, closer to open markets. I believe that, too. I do not believe the Chinese leadership, even their hidebound old thinking, can turn that tide. This bill opens those markets, opens this exchange of ideas and goods, and gives us a chance to not only provide for workers and farmers and businesses in America the chance to succeed in a new market but a chance to change China for the better.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum and ask it not be charged against the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, the debate before the United States Senate on our granting China permanent normal trade relations status has been a tremendous debate for the country. We have heard strong arguments for and against enhancing our engagement and expanding trade with China. This debate has implications for our economy, national security, and for the future of China.

This vote has enormous implications for every American and people around the world. I am pleased that the Senate is proceeding toward a vote on final passage. It will be an honor to support legislation that has such important implications for the people of my state and for our country.

Let me say, that is not only desirable from a U.S. standpoint to have China as a full member of the WTO, I think it is essential. China entering the WTO will create unprecedented opportunities for American businesses and farmers, it will encourage the new entrepreneurial forces pushing china toward more liberal political, economic and social policies and it will certainly contribute, if not ultimately lead, to the further stabilization of Asia and the world.

From the standpoint of economic growth, increasing our economic relationship with China is imperative. Increased trade has played an indispensable role in the economic growth this country has experienced in recent decades. The leadership and the growth of American companies has been fueled by American companies winning access to new markets. As many U.S. markets continue to mature, market access will play a more important role for the expansion of our businesses.

At this time, the U.S. has very limited access to a market representing the largest number of consumers in the world. China is a nation of 1.2 billion people, one-fifth of the world's consumers. Over the next 5 years, it is projected that 200 million of those Chinese will enter the middle class. On a massive scale, these are people who will be acquiring for the first time products that we in the United States take for granted. We owe it to our workers and investors to give our companies an equal opportunity to fight for those sales.

Increasing our relationship with a country of this size is also important for maintaining our world leadership in the science, aerospace, advanced technology, and medicine, and most important in all those areas, the well-paying, advanced jobs of the future.

Trade is part of the process by which capital, resources and manpower flow to the areas in which we perform best. Reducing restrictions on capital flows has allowed American entrepreneurs to pursue opportunity, create the best, most advanced products in the world, and in these areas, lead the world.

Our world leadership in the industries of tomorrow did not happen by accident. In addition to the spirit and ingenuity of the American people, enough policy makers in this country have had the foresight to create an atmosphere where this genius and industry can thrive. Expanding our economic relationship and breaking down barriers to trade with the largest block of consumers in the world is another huge step in that process.

To continue to promote that environment where Americans can thrive on a large scale, we need to pass this legislation.

But for me, the best reason to support this relationship is that it is good for my state. Whether it is Missouri's farmers, our workers, or our businesses, Missourians will benefit if China is a member of the WTO.

Reviewing the numbers for American farmers alone gives a picture as to the staggering opportunities in this market. China is currently our fourth largest agricultural market. The U.S. Department of Agriculture estimates that this market will account for 37 percent of the future growth of agricultural exports. And the Chinese have agreed to slash tariffs and eliminate the quotas on several products important to economy of my state—soybeans, corn, cotton, beef, and pork.

As China eliminates their legal requirements for self-sufficiency in agricultural products, if they remain only 95 percent self-sufficient in corn and wheat, they will instantly become the second biggest importer of those products in the world, second only to Japan. Missouri farmers are ready to compete for those markets.

This is a tremendous opportunity to help our pork producers and cattlemen, both areas in which China has agreed to cut tariffs. Unlike the Europeans, the Chinese are ready for their people to enjoy American beef. They are prepared to eat American beef openly and enjoy it in public. In Europe, only the diplomats who come to the U.S. get to enjoy a good piece of U.S. steak.

The Chinese are going to learn quickly what we know and the European diplomats know, American beef is the best. As those 200 million Chinese enter the middle class, I am confident they will enjoy American beef and want more of it.

The projected increase for demand of pork in China is simply staggering. Rather than go into the numbers, the pork producers estimate that $5 will be added to the price of a hog when we expand our trade relationship with China. That would be the difference between success and failure for small pork producers.

On another issue of great importance to my state and to my farmers, the Chinese have agreed to settle sanitary and phyto-sanitary disputes based on science. What a novel idea. This is essential to avoiding non-tariff trade barriers as our farmers continue to employ biotechnology and advanced agricultural practices.

The benefits are not limited to agriculture, despite what has been argued, benefits do extend to manufacturing and other sectors.

For example, one company in my state, Copeland, a division of Emerson Electric, manufactures air conditioner compressors in the wonderful town of Ava, MO. Those compressors are sent to China where they are incorporated

in units sold all over Asia. As the market for air conditioners in Asia has expanded, the number of manufacturing jobs in Ava have grown. Those jobs will not go to China and if this agreement is passed the manufacturing jobs in the Ava facility are expected to double.

This agreement opens competitive opportunities for businesses of all sizes. Under the market opening agreement, the Chinese will eliminate significant market barriers to entry blocking the competitiveness of American companies.

For instance, currently, if a product can even be imported into the country, the Chinese control every aspect of movement, right down to who can handle and repair an item. Those requirements will be eliminated as will the state-controlled trading companies. Quotas and tariffs must be published.

These are major steps in the direction of a market-based economy. The elimination of these wide-spread and draconian barriers will give American entrepreneurs and small businesses that want to take on the Chinese market a real chance to penetrate and compete. For the first time, American businesses, large and small, will have the chance to compete on a level playing field.

It is also worth nothing, that without the benefit of the WTO, to ensure adherence to our trade agreements, we must rely on our federal agencies to oversee and enforce agreements. Frustration with the Chinese regarding their respect for and adherence to past agreements has been expressed. We will receive the benefit of a rules-based trading regime and the weight of enforcement on a multi-lateral basis once China is a member of the body.

Some of the opponents argue that this measure is a ''blank check'' for China and that it ''rewards'' China despite the past abuses of its people. The complaints of the human rights activists against China are legitimate. The abuses and repression of religion are deplorable and their gestures toward a free Taiwan are totally unacceptable.

I reemphasize that point. We should not tolerate their abuses and their threats toward a free Taiwan.

The arguments that we are giving them a pass despite these abuses misses the point and the argument that profits are taking precedence over American values is wrong. This vote is of significant importance in promoting free enterprise in China and creating a increasingly prosperous and reform-minded middle class.

For all the backwardness of China on the issue of religious freedom and human rights, positive changes are underway on the economic front—we should recognize that the changes are a direct threat to the communist establishment in China. As the Chinese people become more aware of the opportunities that exist for improving one's life that are inherent in a free society, they will demand more rights from their government and will demand that the government become more responsive to the will of the people.

I have seen that on my visits to China. I am convinced the people of China, as they see these opportunities, will increase their demand for and their insistence on the basic principles that have made our country strong.

Senators have come to the floor this week to tell troubling stories about life in China and made arguments as to why it would be a mistake at this time to grant China PNTR. By not supporting their amendments, they have argued, we are betraying our values as a people and we are abandoning support for the principles that make ours a great country.

For all their good arguments, passing PNTR and enhancing our economic engagement with China is a concrete opportunity to promote change in many of the areas raised. It is important to discuss these issues and reiterate time and again in the strongest possible terms that we condemn the practices of the Chinese. However, it does not follow that defeating PNTR is the way to force the Chinese to change their behavior. The exact opposite is true. Exposing China to more freedom and opportunities is the way to bring about change.

One of the early amendments was in the area of the environment. The argument has been made that we cannot grant the Chinese PNTR because they have been poor stewards of their environment.

I remind my colleagues that with every extremely poor country in the world, the struggle to employ their people and raise the standard of living of its citizens is preeminent. People under such circumstances must struggle to feed their families. They are not watching NOVA environmental specials or reading National Geographic. They simply do not have the luxury to worry about the environment.

The same applies to the government, creating economic growth to employ the poor citizens is its goal. What China needs is wealth creation, jobs, and enterprise apart from the state. When the desperation and the poverty begin to subside the government is likely to be far more open and responsive to managing the environment. But calling for the denial based on their environmental policies while withholding the best means for the country to raise their standard of living does not offer a solution.

The same applies to labor practices. My support for PNTR does not mean that I condone labor conditions in China. In fact I think they are terrible. But is defeating PNTR in order to make a statement about labor practices in China going to improve worker's rights. Absolutely not.

The way to improve workers rights in China is allow foreign enterprises into the country, create more private sector jobs and more opportunity. The world buying from the Chinese will create private sector employment and reduce dependence on the government. It creates more choice and opportunity.

I share the concerns of my colleagues about Chinese crackdown on religious practices. It is an appalling and unacceptable government practice that we must continue to speak out against.

But forcing loyalty to the state and the crushing of all beliefs and values that compete with loyalty to the state is a practice that is common among communist dictatorships. This is the way that leaders in communist countries avoid having the people's loyalty to the state and the question of their purpose in life cluttered by outside influences.

Again, will supporting PNTR empower the reform movement? Can promoting free enterprise in China undermine the grip of the government? I think it can.

By joining the WTO and pursuing economic engagement and integration with the world, the Chinese communist leadership are taking a risk.

They are taking the risk that foreign entities can enter the country and form relationships with Chinese people but the people will still maintain their loyalty to the state.

They are taking the risk that their citizens are going to be exposed to the outside world and the freedoms those in American and other countries enjoy but that the Chinese people will not want a piece of that freedom for themselves.

They are taking the risk that Chinese people can go to work for private enterprises, with the freedom to pursue better opportunities and with the freedom to innovate, make their own decisions and enrich themselves, but at the end of the day, still maintain the belief that the communist lifestyle, with its per capita income of $790 a year and blind loyalty to the omnipotence of the state is the superior way of life.

The Chinese are taking a risk that their people will bear witness to entrepreneurship, capitalism, an improved standard of living, middle class lifestyle and freedom of association, and not recognize that freedom is the better and more rewarding way of life.

That is an enormous risk for the Chinese communist leadership to take—I think it is a bet they will lose.

Some of my colleagues do not possess this belief. They chose to maintain the most dire outlook on the circumstances. I believe in the virtue and the power of freedom.

Some of my colleagues have chosen to shout at the Chinese leaders about freedom, but to most of the Chinese leaders freedom means a loss of power. Much of this rhetoric, as part of a

quest for meaningful change, will not do much to advance the ball. The Chinese leadership is not interested in hearing it.

Change in China, for the reasons I stated, is not going to come from the top down, at least until there are a lot of high-class funerals in that state, from the actuarial numbers that are about to apply. It is going to come from the bottom up. We must seize any opportunities available to make meaningful change happen.

The path to take is the one we are taking and that is to encourage the infiltration of free enterprise, freedom of thought and freedom of association into the current society. It may not happen over night, it may never happen and if it does, it is likely to be messy. But there are signs of movement in a positive direction—we have an opportunity to grease the skids. We would be missing a historic opportunity if we did not seize this chance. My colleagues that oppose this bill are wrong to think otherwise.

Not supporting this bill will also hurt the effort to promote the rule of law. There is a reason why a number of dissidents have come out in support of this legislation. The WTO is a rules-based organization that cannot exist if members do not adhere to the rule of law. As a member, China will have both rights and obligations and will have to deal with other nations as equals. Indeed, as a member of a growing number of international organizations, China will continually be subject to the rule of law and continually confronted with the challenge of accepting international norms and, hopefully, standards of freedom.

Finally, admission to the WTO is not a substitute for a strong, consistent foreign policy toward China. Certainly one reason why this debate has been difficult is because the administration has lack of a clear foreign policy toward China and the resolve to act on important issues as they arise. In my observation of this administration, it appears to me that they place much hope that admission to the WTO will erase their abysmal record in dealing firmly with China on important issues.

We as a nation must reiterate our support for the security of a democratic Taiwan and stand by that country as they negotiate the terms of their relationship with Taiwan. We must support the entry of Taiwan into the WTO and not let China dictate the terms by which this valuable friend and trading partner is admitted to the world trade body. We must provide Taiwan the means by which they can provide for their own security.

We must speak out for the freedom of the Chinese people to practice religion. We must speak in favor of increased freedom for the Chinese people.

China must be told that we will not tolerate their continued export of weapons technology that can lead to the destabilization of several regions around the world. We must push the Chinese to improve the export controls and we must be forceful when we discover violations in international antiproliferation agreements.

These are not objectives that will be accomplished by defeating PNTR. These are challenges that the current administration has failed to meet. We have not had the adult supervision we need in foreign affairs, in military affairs, and in relations with a critical, large member of the world organizations, and that is China. We have to have an administration which understands foreign policy, which speaks with a clear voice, annunciates our principles, and stands up for them.

Defeating PNTR will not give us a strong foreign policy. That will depend upon the next administration. I fervently hope and pray that we will get some decent leadership in foreign affairs beginning next year. We have lacked it. We have been sorrowfully observant of the failures and shortcomings throughout the last 7½ years. Defeating PNTR will not help the next administration in their foreign policy towards China. Approving PNTR will. We must be firm in charting our course in the defense of national security.

This is an important step to take for the strength of our economy and for our workers and farmers. It is also an important step to take to move China toward a freer society. We must cast this vote with open eyes. It does not answer the questions surrounding China that have been raised during this debate. That is for the foreign policy of the next administration. By adopting PNTR and voting favorably, we can take the first step in giving the next administration the tools to develop a strong foreign policy with respect to China.

I urge my colleagues to join with me in supporting permanent normal trade relations with China. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe that the Senate is about to make a grave mistake. It is hard for me to believe that after a year which has seen the Chinese Government rattling sabers at Taiwan, continuing to brutally repress religion, and, generally, behaving like the ''Bobby Knight'' of the international community—after a year like that—the Senate is still determined to hand the Chinese a huge early Christmas present called permanent normal trade relations. We are running a $70 billion deficit with China. China's string of broken promises on trade and nonproliferation matters is longer than the Great Wall of China. Yet, a majority in this Senate has agreed to put all of its eggs into one basket and rush to pass PNTR. ''Don't worry. Be happy,'' says the administration. We have the bilateral trade and investment pact to protect us.

The bilateral trade and investment pact negotiated between the U.S. Trade Representative and China is one of a series of agreements which China is negotiating with members of WTO in order to join the body. The agreement has been used to assuage the many concerns of some Members of this body about granting PNTR to China. But I believe that PNTR and the new U.S.-China trade pact, that panacea of all good things, will encourage mainly one phenomenon—one phenomenon; namely, more U.S. corporations will move operations to China to capitalize on low-wage production for export back here to the United States.

Now if Senators don't believe it, just look at recent history. Look at NAFTA. Clear evidence is right there—NAFTA, the Holy Grail of NAFTA. The North American Free Trade Agreement was supposed to right every wrong, cure every evil, and make us all healthy, wealthy and wise. NAFTA's proponents convinced Congress in 1993 that NAFTA meant large net benefits to the U.S. economy, and nothing more. There were no down sides. The line went that the U.S. could only gain from expanded trade with Mexico because Mexico was reducing its trade barriers more than the United States. Moreover—and this will sound very familiar—proponents were positive that reducing trade barriers with Mexico would encourage ''reform'' politicians in Mexico to privatize the economy. Now, where have we heard that before?

A new, vast middle-class would emerge, creating a new, vast middle class market in Mexico, just waiting with baited breath to gobble up American-made goods. The Clinton administration confidently predicted a giant boom in U.S.-made autos sold to Mexico.

Well, my fellow Senators, what happened when we found the Holy Grail called NAFTA? Exactly the opposite happened, that's what. A 180-degree turn happened. NAFTA encouraged large U.S. investors to move production and capital and jobs south of the border to exploit cheap labor and lax environmental standards. These new factories then exported their products back to the United States. By 1999, the United States was running a trade deficit with Mexico of $23 billion.

Automobiles were major contributors to the deficit. So were auto parts, computers, televisions, and telecommunications equipment. What happened to the large new Mexican middle class, salivating to buy American goods, which NAFTA was supposed to create? Instead of raising living standards in Mexico, NAFTA reinforced ''reform'' government policies in Mexico that reduced real wages for workers by 25 percent and increased to 38 percent the

share of the Mexican population subsisting on $2.80 a day.

Does all this sound familiar, I ask my colleagues? It should. It certainly should. Once again the administration is playing that same old tune to Congress and to the American people. The administration argues that U.S. exports to China will rise because tariffs will be lowered on goods like automobiles and auto parts. Sounds familiar, doesn't it?

Additionally, unlike the Japanese yen or the Euro, or the Mexican peso, the exchange value of the Chinese currency does not float in the international market. It is largely determined by the Chinese Government, itself. In 1994, the Chinese devalued their currency in order to expand their exports and reduce their imports. Nothing in the bilateral agreement we have negotiated with China prevents the Chinese from such manipulation again.

In 1992, the Chinese and U.S. Governments signed a memorandum of understanding in which China agreed to provide access to U.S. goods in its markets, and to enforce U.S. intellectual property rights. President George Bush hailed this agreement as a breakthrough. The USTR under President Bush claimed that the 1992 agreement would provide ''American businesses, farmers, and workers with unprecedented access to a rapidly growing Chinese market with 1.2 billion people.'' Well, since that much-touted 1992 agreement, U.S. exports to China have risen by about $7 billion. But look at this. Imports from China to the United States have risen by $56 billion. Now, who won that round?

Yet, the Clinton administration continues to claim that this new agreement will ensure the political triumph of democracy-loving, U.S.-friendly, free-market leaders in China, who can be trusted to live up to their end of the bargain. Someone downtown must be popping ''gullible'' pills. That claim gives new meaning to the word ''naive''.

China's successful growth and modernization absolutely depend upon its ability to export to foreign markets in order to earn the hard currency needed to import new technology. China is currently running a $70 billion annual trade surplus with Uncle Sam, with the United States. But China is running a trade deficit with the other major hard currency blocs—the European Monetary Union and Japan—a trend that will continue into the foreseeable future. In order to pursue its own self-interests, China has to exploit the U.S. market to the maximum.

Given this agenda, in a totalitarian state, one can be sure that the full force of the power of that state will be focused on protecting its manufacturing, technological, and agricultural markets. No faction of Chinese leaders can possibly deliver a more open economy to the United States or to the WTO. It is fool's gold to make that claim—fool's gold. It is the economic and political reality of the Chinese situation and agenda that makes it all but certain that China will violate any trade agreement, if it serves the national interests of China to do so.

We have not yet in this Senate or in this Nation or in this administration come to grips with that fundamental reality. It will not be different this time. It will not be any different this time. The Chinese behave the way they do in matters of trade because they have to, to survive. They cannot and will not change. The Chinese Government is not some eager puppy, like my little dog Billy Byrd, panting to please the United States or anybody else. The Chinese are committed to their own goals and their own interests and they will do whatever it takes to further their agenda.

The Clinton administration claims that China has agreed in the bilateral trade agreement to eliminate health-related barriers to U.S. meat imports that were not based on scientific evidence. But, let's listen to the words of Chinese trade negotiator, Long Yongtu. Let's hear what he said:

> Diplomatic negotiations involve finding new expressions. If you find a new expression, this means you have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions.

And there is even more interesting commentary from China's chief negotiator, Long Yongtu, in an article he authored on the impacts of WTO entry, as reported by the BBC. On the issue of a Chinese compromise with the United States on the import of U.S. meat products he said, ''. . . in the United States people there think that China has opened its door wide for the import of meat. In fact, this is only a theoretical market opportunity. During diplomatic negotiations, it is imperative to use beautiful words—for this will lead to success.''

We need to take note of the words of these Chinese officials. We need to listen more carefully. Beautiful words do not mean promises kept. Sometimes when we in the United States hear ''yes'' the Chinese are only saying ''maybe.''

The USTR asserts that ''China will establish large and increasing tariff-rate quotas for wheat—with a substantial share reserved for private trade.'' Yet again, Chinese negotiator Long Yongtu sees it differently. He has publicly stated that, although Beijing had agreed, on paper, to allow 7.3 million tons of wheat from the United States to be exported to the China mainland each year, it is a ''complete misunderstanding'' to expect this grain to actually enter the country. The Chinese negotiator said that in its agreement with the United States, Beijing only conceded ''a theoretical opportunity for the export of grain from the United States.'' We are suckers.

And yet, in the face of all of this contradiction by the Chinese, the Clinton Administration actually expects us all to believe that the bilateral agreement, PNTR and the WTO will magically force the Chinese government to shred its own national agenda, disregard its own needs and interests, even risk its own viability, in order to live up to an agreement with the United States. How naive can we be?

If anyone actually believes that, then let me introduce you to the tooth fairy; Tinkerbell; Mr. Ed, the talking horse; Snow White; the seven dwarfs; and Harvey, the invisible six foot rabbit.

This Senate and the administration—by all means, this administration—should pay a little more attention to history.

Let us look again for a moment at the history of NAFTA. From the time of the North America Free Trade Agreement took effect in 1994 through 1998, the net export deficit with Mexico and Canada has grown. Over 440,000 American jobs have been destroyed as a result of this growth.

Although gross U.S. exports to Mexico and Canada have shown a dramatic increase—with real growth of 92.1 percent with Mexico and 56.9 percent to Canada, that is only half the picture. Let us turn the corner. It is like knowing only one team's score or looking at only one side of the coin. We have to look at the other side of the coin to know who is winning; namely, what are we importing from Mexico?

The increases in U.S. exports have been overwhelmed by what we import from Mexico. Those imports have shot up 139.3 percent from Mexico and 58.8 percent from Canada. In 1993, before NAFTA was in effect, we had a net export deficit with our NAFTA partners of $18.2 billion. From 1993 to 1998 that same net deficit increased by 160 percent to $47.3 billion, resulting in job losses to American workers The first year NAFTA took effect, foreign direct investment in Mexico increased by 150 percent. Foreign direct investment in Canada has more than doubled since 1993.

Those are American workers' jobs that are flying like geese—we have heard the wild geese flit across the sky on their way south—across the borders. Factories move over the border to take advantage of cheap labor costs, and they take good-paying American jobs with them.

But, Senator BYRD, you may say, unemployment in the United States is at 4.1 percent. Our people have jobs. Our unemployment is very low. The answer to that question lies in a closer scrutiny of the composition of U.S. employment. Good paying jobs with good benefits, largely in the manufacturing sector, are leaving our shores and being

replaced by low skill, low wage jobs in the services sector. There is a hidden agenda that becomes apparent if one remembers the lessons of NAFTA and then ponders PNTR with China. You heard them say at the convention: You ain't seen nothing yet? Well, you ain't see nothing yet. Against that backdrop, it becomes more than clear where we are headed. We have been here before.

The objective for U.S. business is not access to the Chinese domestic consumer market. Forget it. They cannot afford our goods. The objective is the business-friendly, pollution-friendly climate in China, which is advantageous for moving production off U.S. shores and then selling goods, now made in China, back to the United States—selling goods made by American manufacturers that move overseas back to the United States.

Are we really going to expect anything different from a deal with the Chinese? Our trade deficit reached $340 billion in 1999. China accounts for 20 percent of the total U.S. trade deficit. A U.S. International Trade Commission report stresses that China's WTO entry would significantly increase investment by U.S. multinationals inside China. Additionally, the composition of Chinese imports has changed over the last 10 years. In 1989, only 30 percent of what we imported from China competed with our high-wage, high-skilled industries here in the U.S. By 1999, that percentage had risen to 50 percent.

The unvarnished, unmitigated, ungussied up truth is that American companies are eagerly eyeing China as an important production base for high-tech products. And these made-in-China goods are displacing goods made in the good ole USA, Additionally, most U.S. manufacturing in China is produced in conjunction with Chinese government agencies and state-owned companies. So much for the claim that U.S. corporate activity in China benefits Chinese entrepreneurs, and will lead to privatization and, lo and behold, the emergence of a democratic China. Get it? The emergence of a democratic China.

If all this were not enough, a Senate report, made public last week, charged the Chinese government with consistently failing ''to adhere to its nonproliferation commitments.'' In addition to outlining numerous instances of Chinese weapons sales to Iran, Libya, and North Korea, the report states, ''In many instances, Beijing merely mouths promises as a means of evading sanctions.''

Yet Senator THOMPSON only got 32 votes in favor of his amendment, which would have given the Congress a role in monitoring China's proliferation of weapons of mass destruction.

Senators, I could go on and on and on, but I believe there is more than ample evidence that to grant PNTR to China at this time is very unwise. The signal we send by granting PNTR now is a signal of abject weakness. It is a signal of greed. It is a signal of ambivalence on the issue of nonproliferation. It is a signal of total disregard for the overwhelming evidence that the Chinese Government will not keep its word.

I fear that the benefits claimed to be derived from PNTR are really only PR from the White House. They are selling us soap and we are lathering up. We are risking a lot on the unfulfilled promises contained in the so-called bilateral trade agreement with China. Of course, the price for that deal was the administration's commitment to China that they could get PNTR through the Congress this year. It is a package deal—a nice little wagonload of a Chinese signature on the bilateral trade agreement and an unencumbered PNTR present from the Congress. The only problem is that the wagon might be riding on Firestone tires. Shouldn't we Senators use a little caution and put off climbing in that wagon? I am not getting on that wagon. Wouldn't it be more prudent to stay off that wagon? Wouldn't that be the right choice for our Nation's people, the right thing for our national security?

This legislation—PNTR—can wait and it ought to wait. As far as this Senator's vote is concerned, it will wait.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, I sat here and listened to my good friend from West Virginia on trade. I believe I should speak from a position of representing a State that has benefited immensely from the trade agreements that we have passed recently—the North American Free Trade Agreement and the General Agreement on Trade and Tariffs.

Exports from the State of Colorado, which I represent, have increased dramatically. In fact, we have experienced the greatest growth in exports of any State in the Nation on a percentage basis. The economy of the State of Colorado is based greatly on agriculture. My friend from West Virginia talked about agriculture to a certain degree. We grow a lot of wheat. We raise a lot of livestock, and we do make an attempt to expand our markets to the Pacific rim countries, which includes China.

We have a very modern economic base in the State. We work a lot on exporting high tech. Many high-tech companies do business in the State of Colorado. On a concentration basis, we have the highest concentration of high-tech employees of any State in the country. So we benefit from exporting goods, and the North American Free Trade Agreement has helped the State of Colorado, and GATT has also.

I happen to think that an agreement with China for normal trade relations will help agriculture, and it will help States such as Colorado because these are markets where we can compete and have been competing.

My colleague from West Virginia talked a considerable amount about the trade deficits we are experiencing in this country. I come at the trade deficit issue from a different perspective than my colleague from West Virginia. I have looked at what happened historically with trade deficits. If we look at the time of the Great Depression in this country, the trade deficits were low. If we look at the time when we were suffering, when we had the misery index—and this is at the latter part of the 1970s, during the Carter administration—the trade deficit was low. We had high double-digit unemployment. We had high double-digit inflation, and we had high double-digit unemployment. But our trade deficit was low. I happen to believe when we look at the trade deficit, it is more of a reflection of what is happening economically in this country. Our country has experienced high trade deficits when our economy has been doing well, just like during the period of time we are in today.

So the figures he presents to you on trade deficits, in reality, they do happen. What is the significance to the economy? I happen to believe it has the opposite impact. Many times, when people are evaluating the impact of the trade deficit, they look at it only from the perspective of one industry. If you look at the total economy, the total growth of jobs within this country, we benefit, in many cases, by importing products.

How does that work? Let's take an automobile, for example. Some State may have a company—maybe in Michigan, for example—that could be impacted by trade policies. But does that have a net impact on jobs in the United States? Many times, when you take it into total consideration, there is a net gain because there are jobs—union jobs—created when you have to unload those cars at our ports. There are jobs created when you have to clean up the cars when they come into the country. There are jobs created when you have to transport those cars across the country to get them to a point of sale. Somebody has to sell the cars. Jobs are created there. Somebody has to buy the cars. There is insurance sold in relation to the purchase of the car. Goods and services relating to that go into the marketplace. Those cars have to be maintained and operated and fixed. Many times, they go into a resale market at some point in their lifetime.

These are all jobs that are created as a result of having imported that product. So I am convinced that our best policy is to work in a free market environment, and the problem we have

right now is not that we don't place a lot of the tariffs and restrictions on Chinese goods coming into this country, but China is the one that is placing restrictions on our goods going into their country—particularly agricultural products and goods related to the high-tech industry. That is why I think this particular effort to create normal trade relations is beneficial. Isolationism doesn't work. Isolating a country and saying that is going to help human rights—I don't think that works. That is one reason why Taiwan, for example, supports our efforts to try to establish permanent normal trade relations with China.

So I think that in order to prevent human abuse, to protect human rights, we need to open up China. When our business people go into China, they expect a certain standard. They just won't do business with Chinese companies without those standards. They will have to abide by their contracts. If somebody doesn't honor the contract, there has to be a court system of some type that will help enforce those contracts. And these all carry with them democratic principles.

When Chinese businessmen interact with American businessmen, they will understand how the free enterprise system works, how democracy works. I think we export democracy when we enter into a free market agreement where we take down trade barriers and increase the interaction between countries—particularly when we are talking about a democratic county as opposed to a Communist one. They see there is a different way of doing things and prospering that yields benefits far and above what they have been told in a country where the leaders restrict information and restrict freedoms.

I think it is important we pass this piece of legislation that says we will have permanent normal trade relations with China.

I see my colleague from North Carolina.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. ALLARD. I would be glad to yield to the Senator from West Virginia. But I also know that I have a colleague from North Carolina who would like to be recognized for some comments. I yield to my colleague from West Virginia.

Mr. BYRD. The Senator mentioned my name. That is why I am asking him to yield.

I appreciate the fact that he has given us his viewpoint. My remarks were largely based on research that has been done by the Economic Policy Institute. It is dated November 1999. I am reading from a paper issued by the institute. It is headed with these words:

NAFTA's pain deepens. Job destruction accelerates from 1999 with losses in every State.

It shows Colorado as having a net NAFTA job loss of 3,625 jobs. It doesn't show as much for West Virginia as Colorado. West Virginia has a net NAFTA loss of 1,183 jobs.

Let me say this to the Senator. I have been in Congress now 48 years. I have seen Democratic administrations, and I have seen Republican administrations. The kind of talk we just heard from this Senator—I respect him as a colleague, but I have to say this—is the same kind of talk I have been hearing from these administrations for 48 years. That is State Department talk. It is the same old State Department talk.

I will say to this Senator, we are going to get taken to the cleaners. We have been taken to the cleaners all these 48 years by other countries. In these ventured agreements, our negotiators for some reason or other always come out second. We have been taken to the cleaners. We will be taken again.

The Senator stated his opinion. That is this Senator's opinion, and it is based on 48 years of hearing this same line that emanates from——

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

Mr. ALLARD. I ask the Senator to let me reclaim my time. I appreciate his comments. We have a Senator from North Carolina who would like to have an opportunity to speak. I think we are working under some time guidelines.

The PRESIDING OFFICER. The time is controlled.

Mr. ALLARD. I would like to briefly respond. I am speaking from the experience of a Senator who represents a State that has benefited from free trade policy. It is not State Department talk, it is what we have seen economically. I wanted to respond, and I would like to yield my time to the Senator from North Carolina to be recognized.

Mr. BYRD. Mr. President, how much time did I use on this side?

The PRESIDING OFFICER. The Senator used 22 minutes.

Mr. BYRD. How much time does the Senator from North Carolina need? I will yield him half of my time. I ask that time that has been absorbed in this colloquy come out of my time.

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

Mr. BYRD. Do I have any time left?

The PRESIDING OFFICER. The Senator has used 25 minutes of his 30 minutes.

Mr. BYRD. I reserve my 5 minutes.

We will be taken to the cleaners again. Mark my word.

I thank the Senator.

Mr. President, I ask unanimous consent to print a chart prepared by the Economic Policy Institute on ''NAFTA job loss by State, 1993–98.''

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

TABLE 3.—NAFTA JOB LOSS BY STATE, 1993–98

State	Net NAFTA job loss.—No. of jobs
Alabama	−11,594
Alaska	−395
Arizona	−3,296
Arkansas	−6,663
California	−44,132
Colorado	−3,625
Connecticut	−4,616
Delaware	−866
District of Columbia	−798
Florida	−13,841
Georgia	−15,784
Hawaii	−907
Idaho	−1,397
Illinois	−16,980
Indiana	−21,063
Iowa	−4,850
Kansas	−3,452
Kentucky	−8,917
Louisiana	−3,245
Maine	−1,877
Maryland	−3,981
Massachusetts	−8,362
Michigan	−31,851
Minnesota	−6,345
Mississippi	−8,245
Missouri	−10,758
Montana	−1,139
Nebraska	−1,751
Nevada	−2,342
New Hampshire	−1,265
New Jersey	−11,045
New Mexico	−1,268
New York	−27,844
North Carolina	−24,118
North Dakota	−732
Ohio	−19,098
Oklahoma	−3,018
Oregon	−5,359
Pennsylvania	−20,918
Rhode Island	−4,234
South Carolina	−7,305
South Dakota	−1,217
Tennessee	−18,332
Texas	−18,752
Utah	−2,973
Vermont	−597
Virginia	−9,797
Washington	−8,331
West Virginia	−1,183
Wisconsin	−9,314
Wyoming	−402
U.S. total	−440,172

[1] Excluding effects on wholesale and retail trade and advertising.

[2] Source: EPI analysis of Bureau of Labor Statistics and Census Bureau data.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Who yields time?

Mr. HELMS. I thank the Chair for recognizing me. In a moment, I hope the Chair will allow me the privilege of making my remarks seated at my desk. But I want to say that Senator BYRD says he has been here 38 years.

Mr. BYRD. Forty-eight years.

Mr. HELMS. Forty-eight years. I have only been here 28 years, and I have the same opinion the Senator does about the State Department. I have said many times how proud I am that the distinguished Senator from West Virginia is a native of North Carolina because he was born there. He moved at a very early age to West Virginia, a State which he has represented ably. But I admire the Senator for many reasons. We don't always agree. But I will tell you one thing. This Senator is dedicated. When I say ''this Senator,'' I mean Senator ROBERT C. BYRD of West Virginia. He is dedicated to the proposition that this Senate shall operate in an orderly way. He made some remarks today about the unusual character of the way the voting time on this measure was arranged, and I objected to it as he did. I think it ill becomes the Senate. I hope it never happens again.

Mr. President, if I may take my seat.

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

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Chair wishes to know who yields time.

Mr. HELMS. Mr. President, today the Senate——

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Chair needs to know whose time this time is coming from.

Mr. BYRD. I yield my 5 remaining minutes to the Senator from North Carolina. I don't have control of the time other than that.

Mr. HELMS. I thought I had gained the floor in my own right. But I appreciate that very much. I will not take long in any case.

The PRESIDING OFFICER. The Senator's time comes from Senator LOTT's time.

The Senator from North Carolina.

Mr. HELMS. Mr. President, this afternoon the Senate will reach the end of the debate on H.R. 4444, a bill to legislate permanent normal trade relations to and with the People's Republic of China.

The debate, yes, will end this afternoon. But I can assure you that just now beginning is a debate about the future of United States and China relations.

The outcome of today's vote was well known long before the first syllable of debate resulted. I recall the objection stated by Senator BYRD, and I objected to the procedure as well because it was a pro forma action about how the consideration of H.R. 4444 was going to be conducted and the concluding result was to be final passage without even one amendment to be added.

I don't think that is becoming of the Senate, but I shall not refer to the Senate's posture as a conspiracy, but it is a first cousin to one, and I remain exceedingly troubled by what has transpired. I fervently hope it never happens to the Senate again.

The outcome of this debate was decided before any Senator even sought to be recognized by the Presiding Officer to make his or her case for or against PNTR. But all that aside, the Senate will shortly vote, and I trust that all Senators' votes will be cast with the courage of their real convictions and not convictions determined by others for them.

I commend my friend, the Senator from Delaware, Mr. ROTH, and the Senator from New York, Mr. MOYNIHAN, for their defense of ''their'' bill. Both BILL ROTH and PAT MOYNIHAN have been exceedingly accommodating to me and to other Senators.

But there was a stacked deck that guaranteed approval of H.R. 4444. It was evident from the start. I shall always be grateful to Senators who endeavored to ensure a serious debate, and for their courage and resolve.

I express my admiration to, among others, Senator BYRD and Senator THOMPSON, Senators BOB SMITH, JOHN KYL, PAUL WELLSTONE. These Senators were Churchillian in their efforts. Sir Winston Churchill demonstrated seven or eight decades ago that there would be no stacked deck when he courageously called for a principled confrontation against the despotism of Nazi Germany.

In the course of the Senate's debate, we did succeed in making an indisputable record concerning the deplorable state of human rights in China. And we did succeed in exposing the heinous practice of forced abortion. And we did succeed in focusing the attention of our Nation, and I think of the world, on the peril of China's proliferation.

If I may again mention Mr. Churchill, the press paid him scant attention when he cast his warnings about the trip of the Prime Minister of Great Britain to Munich where he met with Adolph Hitler, and then came back to London for a big press conference proclaiming ''Peace in our time.'' Mr. Chamberlain proclaimed that that fellow Hitler was someone the British people could live with.

Mr. President, I sincerely fear that this bill will have serious consequences because of its profound implications for the future of U.S.-China relations, relations totally unlike the happy ones described by the bill's advocates.

The interests of various American businesses will, no doubt, be served, but to those of us who have worked in the Senate Chamber during this debate, it is highly questionable whether the national interests of either the United States or the interests of the people of China—the people of China—will be served.

As I mention ever so often, when I was a little boy I was interested in the Chinese people and their culture. That interst grew as the years went by. During my 28 years as a U.S. Senator, I have met with and worked with hundreds of Chinese students, delightful young people, bright and without exception having expressed profound hopes and prayers that their homeland can one day enjoy the freedom that the American people have by inheritance.

So clearly and without a trace of equivocation, I have the deepest admiration for the Chinese people—I repeat that for emphasis—and it is my fervent hope and my prayer that one day they will be freed from the brutal dictatorship that now controls their lives.

I sincerely believe that the majority of the American people share that feeling. I have had people stop me in the corridors. Just a few moments ago, I had the Commander of the American Legion from my State stopped me to say that he agreed with my position. I hear it over and over—in the mail we receive, in the e-mail, the faxes and letters.

Mr. President, there is unquestionably an enormous potential for a deep and lasting relationship of respect between the people of our country and the people of China. I have long been convinced that what separates us is not animosity between our peoples.

It is the Communist dictatorship in Beijing which neither speaks for, nor rules by, the consent of the Chinese people.

Today in China, millions of courageous people struggle for democracy and for religious freedom and for basic human rights. Because when they dare to do so, they are beaten and they are jailed; they are tortured and often murdered. It is for these freedom-seeking Chinese that I stand here today.

Their interests, not the interests of corporate America, are my priority. And that is why I have not been able to support H.R. 4444. Mr. President, there are many bureaucratic contacts and exchanges between the U.S. and the Chinese Government. Some of my good friends, and friends of many of us in this Senate, have traveled to China time and time again, exchanged toasts with Chinese Communist leaders, clinked glasses of wine; but the attitude of the Communist Government has never changed.

It still throws decent Chinese citizens in jail. It still denies the Chinese people the most basic political liberties. So giving permanent normal trade relations to the Government of China will indeed destroy an important lever that we now have, and have had, to influence Chinese behavior. We are tossing it aside.

The advocates of PNTR have repeatedly declared that this enactment will help the cause of democracy and human rights in China. Those declarations will now be put to the test and the ball will be in the court of Beijing. With today's vote, the Chinese Government is being given an historic opportunity to change the course of U.S.-Chinese relations for the good.

The Chinese Government has not confronted such a challenge since Beijing's tragic decision—remember—in Tiananmen Square, when a tank crushed a peaceful student protest, crushed that young man into paste. That was 11 years ago and nothing has changed since.

To seize upon this moment and make me be proven wrong, China must act quickly, not merely to open its markets as required under the agreement with the United States but open its society as well, to demonstrate a commitment to humane treatment of its people at home, and a more benign and peaceful approach to its relationship with its neighboring countries. The Chinese Government must cease the suppression of religious liberties.

Even the Washington Post commented on that this morning in a well-written, well-thought-out editorial.

The Chinese Government must put an end to the abhorrent practice of forced abortion. And with regard to the democratic Government of Taiwan, China must demonstrate that it is committed to peaceful dialog as being the only option for resolving differences between Taiwan and the Communist mainland.

Mr. President, I would be less than honest if I did not confess my great apprehension that there will be little if any real change by the Chinese Government as a result of our passing this measure. But if real change is to take place, the United States must more aggressively support the aspirations of the hundreds of millions of Chinese people who want their homeland to become a nation that is both great and good.

We must reach out to those people who are struggling for a freer, more open and more democratic China, and make clear to them that the American people stand with them. We must make clear to the Chinese Government that it will not be in their interests to continue their oppression of their own people, that in the long run totalitarian dictatorship cannot be tolerated.

So if the advocates of PNTR prove to be wrong, and if nothing changes in China in the wake of the Senate's final approval of PNTR this afternoon, I will devote whatever strength and influence I may possess to limit any and all conceivable benefits that this legislation may hold for the Chinese Communist Government.

I am nearly through, but I want to emphasize that, like many others in the Senate, I am a father and a grandfather. I am a grandfather who yearns for a peaceful world for my family and for all Americans.

Better relations with China are an important hope of a peaceful world, but not better relations at any price. Too often in history, some of the world's great democracies have sought to coexist with, even to appease, dangerous and tyrannical regimes.

I mentioned at the outset Winston Churchill, who took his stand against his country's Prime Minister Neville Chamberlain who had visited with Adolf Hitler in Munich, then returning to London proclaiming there would be ''peace in our time'' and that Britain need not fear Nazi Germany.

There was that one man who stood up and said no, Winston Churchill, who was to lead the free world into combat in one of the worst tyrannies history has ever known.

We must not repeat the mistake of Britain's Prime Minister seven decades ago. I have absolutely nothing against American business men and women making a profit. I want them to make a profit. I believe in the free enterprise system. I believe I have demonstrated that in all of my career.

But the safety and security of the American people must come first through the principles of this country which were laid down by our Founding Fathers. That safety and security will be assured ultimately not by appeasement, not by the hope of trade at any cost, but by dealing with Communist China without selling out the very moral and spiritual principles that made America great in the first place.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased we are about to complete the debate on PNTR and are about to take the final vote. It has been a good debate. It has been a time when the American people have had an opportunity to learn more about what PNTR for China actually will be.

There are good arguments on all sides, but I am quite happy, frankly, that now we are at the end of this long process, finally the United States will grant permanent normal trade relations to China. We are finally putting that issue to bed, and some side issues, too, have been put off to the side, as important as they are.

Many of the issues raised on the Senate floor not directly relevant to PNTR have been very good ones. Proliferation of weapons of mass destruction, human rights, religion freedom, environment, prison labor, Taiwan-PRC relationship are very important matters that, in some cases, go to the heart of American policy. They are clearly issues that need to be debated and resolved. The United States has a very important stake in all of them.

Some of the amendments that have been proposed to PNTR in these last few weeks have been good ones; others, not so good. Fortunately, a majority of my colleagues opposed all amendments to the PNTR bill, even when we agreed with the underlying concerns. Why? Basically because any amendment that would be part of PNTR would be killer amendments due to the very short number of remaining days in this session. Because of Presidential politics, which is engulfing us to some degree, it is much more prudent not to adopt amendments at this time. In the next Congress, we will have an opportunity to deal with these issues. I hope we can deal with them, particularly based on the merits.

I want to take a moment to discuss what will happen after the PNTR vote. It is more to remind ourselves that despite the successful conclusion of the debate, when the votes are counted later today, they will not create a single job. Our votes will not sell a single bushel of wheat. Rather, PNTR is an enabler. It is a vital enabler. It enables American businesses and American people to do much more than they can now do.

The immediate next step of completion of PNTR is completion of negotiations in Geneva on the Protocol of Accession and the Working Party Report to the WTO General Council. Once China formally accedes—that is, becomes a member of WTO—we Americans will remove China from the restrictions of the Jackson-Vanik legislation. That is when it happens. At that point, the American private sector has to take advantage of the immense new opportunities afforded by China's membership in the WTO.

Passage of PNTR will be one for the history books with profound implications for the United States. Once it passes, we Americans have to put our shoulders to the wheel. We have to follow up. American industry has to follow up. The American Government has to follow up in a way that we enable ourselves to maximize potential benefits to our service providers and to our manufacturers. We have to take matters in our own hands. We have to take advantage of this. The same is true for the U.S. Government at both ends of Pennsylvania Avenue, the executive branch as well as the legislative branch. We need to watch China and monitor China's compliance to make sure this agreement is implemented.

I am reminded of another agreement we had earlier with China —that is the intellectual property rights agreement—because some Chinese firms were pirating America's films, CDs, cassettes, and other intellectual property created in the United States. We finally urged China to pass a law making the pirating of intellectual property illegal in China. China passed the law. The problem is they did not implement it. We had to go back and encourage implementation. We may face the same problems here. I hope not. It is possible.

As we move ahead, we must never forget how multifaceted our relationship with China is. That means we must aggressively address the many important issues raised in the PNTR debate. As important as those issues are, they should not be on the bill, but they still indicate the multifaceted nature of our relationship with China.

One major area is focusing on our strategic architecture in Asia. Assuring stability in the region, helping maintain peace and prosperity, and a presence of American troops are vital factors, as are other major strategic questions. They are extremely important. All parts of our relationship with China and passage of PNTR raise the probability we will be more successful in that area.

We must also take measures to help incorporate China positively into the region, and we must encourage China into the role of a responsible actor, both in the Asian region and globally.

The growth in commercial and economic activity now developing between us and China should form a pillar on which we can build a stable relationship. There are no guarantees. There

never are guarantees in life. One has to do the best with what one has, with the resources one has available. Passage of PNTR gives us more resources. It is an enabler to help us increase the probability of a stronger commercial and economic relationship to help form that pillar. Again, there is no guarantee.

We must also try to avoid the constant ups and downs that have characterized the bilateral relationship over the past 30 years.

I am not going to stand here and chronicle the volatility of the ups and downs, but I do think it is important for us to lop off the peaks and the valleys in this somewhat volatile relationship with China as best we can, recognizing that we are only one side of the equation and China, of course, is the other.

But the more we try and the more we engage them at lots of different levels—whether it is trade, artistic exchanges, cultural exchanges, or military exchanges—the more likely it is we will not have to be so involved in this volatile activity. That means a stronger economic relationship between our two countries, which I think will be a major consequence of the passage of this bill.

I thank all my colleagues. This is going to be a good, solid vote. It is going to indicate that the United States is a player in the world community, that the United States is not retrenching itself, but moving forward, and that the United States is living up to its responsibilities as the leader, frankly, of the world in a way that is positive, constructive, and exercising its constructive roles. I am very proud of the action the Senate is about to take.

Mr. President, I yield back my time.

Mr. SCHUMER. Mr. President, I am prepared to support PNTR for China, but I still have reservations about China's willingness to fulfill its previous trade commitments particularly as it pertains to insurance.

First, I want to express my appreciation to President Clinton and Ambassador Barshevsky who have been forceful advocates in ensuring that China keeps its end of the bargain and fully implements the 1999 bilateral agreement between our two nations. Last week, President Clinton and President Jiang Zemin held a frank and detailed discussion about China keeping its commitment to allow U.S. insurers to expand in China under the grandfathered right to operate through their current branch structure.

In response, President Jiang pledged that China will ''honor its commitments to further opening its domestic market'' to grandfathered insurance companies. This is a positive, but still ambiguous statement which I hope the Chinese president will clarify. And in clarifying his position, I hope President Jiang understands that should U.S. insurers be denied the grandfathered rights to branch in China, it would result in a serious degradation of the ''terms and conditions'' for insurance that were negotiated by USTR last November.

The problem extends beyond insurance to the heart of the PNTR agreement. Should PNTR become law, the President must certify:

> . . . 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 People's Republic of China on November 15, 1999.

Anything less than full compliance in honoring China's commitment to grandfather U.S. insurers' branching rights will inhibit the President's ability to certify that the equivalent requirement has been met.

Every business that trades with China is looking to see how this matter is resolved because they need to know that trade agreements will truly be followed. If China wants to engage in the free market, its leaders must know that trade agreements are not arbitrary documents but ironclad commitments.

Mr. CONRAD. Mr. President, I wish to join my colleagues in expressing support for passage of Permanent Normal Trade Relations with China. This is the right thing to do for the country, and it is the right thing to do for my state of North Dakota.

I think it is important at the outset to make it clear what this vote is about—and what it is not about. This vote is about making sure that U.S. farmers, businesses, and workers receive the benefits of China's accession to the World Trade Organization. The agreement on China's accession is a clear win for the United States. China has made concession after concession, lowering tariffs and removing other barriers to U.S. exports. The U.S. has made no such concessions. But if we fail to pass Permanent Normal Trade Relations, PNTR, we will not be able to take full advantage of these opportunities but will instead cede them to our competitors.

There has been a lot of misleading talk and innuendo about what PNTR really means. PNTR is not a special privilege, and it does not signify our approval of China's domestic or foreign policies. In fact, we continue to have many differences with China that we can and should work vigorously to resolve. PNTR would simply grant China the same trading status that the United States has with more than 130 other countries around the world: nothing more, nothing less. And it would grant China the same status going forward that it has had continuously for the last twenty years. The only change is that the Congress no longer would hold an annual vote on China's trade status, a vote that has never denied China Normal Trade Relations but that has set back our efforts to engage China on human rights and other issues.

The PNTR debate is primarily about trade, so let me start by talking about the trade benefits for our country. As my colleagues know, this vote is not about whether China should be part of the WTO. There is no question that China will join the WTO. The only question is whether the United States will reap the benefits of the many concessions China has made, or whether our farmers, businesses and workers will be left out. That would be a profound mistake.

China has the world's largest population: 1.3 billion potential customers for American products. For years, our market has been open to Chinese imports, but China's market has largely been closed to our products. This agreement will open China's market to our exports. And this is a market that has terrific growth potential. China's economy is the fastest growing in the world, and China's expanding middle class will demand more and more imports of American consumer goods.

The agreement reached last November allows us unprecedented access to this huge and growing market. On manufactured goods, tariffs will fall from a current average of nearly 25 percent to less than ten percent. On services, China has agreed to phase out a broad array of laws regulations and policies that have blocked U.S. firms from competing in this growing market.

But I am especially pleased at the prospects for increased agricultural exports. Around the world, average tariffs on U.S. agricultural exports are more than 40 percent. China is slashing its tariffs to far below this average: 17.5 percent. And on U.S. priority products—the products that we produce for export—the average Chinese tariff will fall to just 14 percent. For bulk commodities the agreement establishes generous tariff rate quotas. For example, on wheat, a major export product for North Dakota, China will allow imports of 7.3 million metric tons initially (growing to 9.6 million tons by 2004) subject to a tariff of just 1 percent. In addition, China has agreed to changes in its administration of tariff rate quotas that will prevent state trading monopolies from blocking imports if there is private sector demand for wheat.

For my State of North Dakota, the agreement provides new export opportunities for wheat, for oilseeds, including canola, and for beef and pork products. The U.S. Department of Agriculture has estimated that this agreement could add $1.6 billion annually to U.S. exports of grains, oilseeds and cotton in just five years. Additional growth opportunities for North Dakota

agricultural exports will come as China reduces its tariffs on beef (from 45 percent today to 12 percent by 2004) and pork (from 20 percent to 12 percent). Finally, the China agreement provides additional leverage for U.S. goals in the ongoing WTO negotiations on agriculture. China has agreed to eliminate export subsidies, to cap and reduce domestic subsidies, and to provide the right to import and distribute products without going through state trading enterprises.

There can be no question that this agreement will create expanded export opportunities for American workers, farmers and businesses. But the key word here is ''opportunities.'' This agreement creates wonderful opportunities for North Dakota agriculture, but it is not a silver bullet. This agreement will not solve all of our trade problems with China. Nor will the results come overnight. We will need to work aggressively year after year to take advantage of these opportunities and turn them into results. And we will need to closely monitor China's implementation of its commitments.

In that vein, I am very pleased that the legislation we are considering includes provisions I strongly supported to ensure that the Federal government monitors and enforces China's WTO accession agreement. And I am hopeful that the WTO's multilateral dispute resolution system will be more successful than our past unilateral efforts to hold China to its commitments. The simple fact is that the current system has not worked well. There has been no neutral arbitrator to resolve disputes. As a result, U.S. firms have been very reluctant for the U.S. to take action against China because of Chinese threats to retaliate against American business. With China in the WTO, we will have the advantage of a neutral dispute resolution system and rules to guard against Chinese retaliation.

In my view, the trade benefits alone are enough to conclude that we should support PNTR for China. But this debate is about more than just trade. It is about human rights and national security as well. I believe bringing China into the WTO and passing PNTR is the best way to improve human rights in China. Clearly, our current annual debate over Normal Trade Relations has had little effect on human rights in China. Bringing China into the WTO, though, will increase the openness of Chinese society. It will increase the presence of American and other Western firms in China. It will open China to the InterNet and other advanced telecommunications technologies that, over time, will expose average Chinese to our thoughts, values, and ideals on human rights, workers' rights and democracy.

This is not just my view. It is a view shared by numerous prominent Chinese dissidents and religious and democratic leaders. They believe that rejecting PNTR will only strengthen the iron hand of the hard-liners in the Chinese leadership. For example, Bao Tong, a prominent dissident, was quoted in the Washington Post saying that attempts to use trade sanctions on human rights simply do not work: ''I appreciate the efforts of friends and colleagues to help our human rights situation, but it doesn't make sense to use trade as a lever. It just doesn't work,'' Mr. Bao said. Similarly, Dai Qing, a leading Chinese environmentalist, argues that passing PNTR ''would put enormous pressure on both the government and the general public to meet the international standard not only on trade, but on other issues including human rights and environmental protection.'' Finally, the Dalai Lama has said that ''joining the World Trade Organization, I think, is one way to change in the right direction. . . . In the long run, certainly it will be positive for Tibet. Forces of democracy in China get more encouragement through that way.''

Finally, I believe that passing PNTR will promote our national security interests. History teaches us that conflicts among trading partners are less likely than conflicts between countries that do not have strong economic ties. In contrast, rejecting PNTR could send a strong signal to China that the U.S. wants to isolate China. A hostile China is not in our national interest. A China integrated into the international system, obeying international rules and norms, is.

In conclusion, Mr. President, the arguments in favor of PNTR for China are very strong. Passing PNTR advances America's interests in Asia and the world. It is good for our national economy, and it is particularly good for my state's agricultural economy. I hope my colleagues will join me in sending a strong bipartisan message of support for China's accession to the WTO.

Mr. KENNEDY. Mr. President, this has been a very difficult debate for all of us in the Senate who care about labor rights, about human rights, and about the environment in China.

These issues are important, and we can't ignore them. I especially commend the many leaders throughout the country on labor issues, human rights issues, and environmental issues for stating their case and their concerns on these challenges so eloquently and effectively. It's clear that we must do more than this agreement does to make sure that free trade is also fair—that it improves the quality of life of people everywhere, and creates good jobs here at home.

The demonstrations at last year's WTO negotiations in Seattle and in other cities since then show that we must pay much greater attention to these concerns. Too often the current system of trade enriches multi-national corporations at the expense of working families, leaving workers without jobs and without voices in the new global economy. Too many companies export high-wage, full-benefit jobs from our country and replace them with lower-paying jobs in the third world countries with few, if any, benefits.

For too many families across America, globalization has become a ''race to the bottom'' in wages, benefits, and living standards. In recent years, corporate stock prices have often increased in almost direct proportion to employee layoffs, benefit reductions, and job exports. This growing inequality threatens our own economic growth and prosperity, and we must do all we can to end it.

I am also very concerned about a trade deficit that continues to grow at an alarming pace. In this historic time of economic prosperity, the trade deficit remains one of the most stubborn challenges we face. While the current trade deficit is clearly a sign that the U.S. economy is the strongest economy in the world, we cannot sustain this enormous negative balance of trade for the long term. We risk losing even more of our industrial and manufacturing base to foreign countries with lower labor standards.

Similarly, all of us who care about human rights and environmental rights must find more effective ways to address these concerns. The flagrant violations of human rights that continue to take place in China are unacceptable. And so is the callous disregard of the environment by that nation as its economy advances.

The answer to these festering problems is to give these fundamental issues a fair place at international bargaining tables. Clearly, we do not do enough for labor rights, human rights, and the environment when we negotiate trade agreements.

I intend to vote for this agreement, however—as flawed as it is—because I am concerned that the alternative would be even less satisfactory. But I welcome the Administration's commitment to give these other issues higher priority in future trade negotiations, and I look forward to working to achieve these essential goals.

The global marketplace is a reality, and the United States stands to gain much more by participating in it than by rejecting it. I'm hopeful that we will be able to work together in the future on these basic issues in ways that bring us together, not divide us.

It is especially significant that all of the economic concessions made in this agreement are made by China. It will not change our own market access policies at all. The concessions that China has made are substantial, and President Clinton and his Administration deserve credit for this success. In particular, U.S. Trade Representative

Charlene Barshefsky did a excellent job negotiating this agreement for the United States.

By approving PNTR, Congress is not deciding to accept China into the World Trade Organization. China will join the WTO regardless of our vote in Congress. What Congress is deciding is whether to accept or reject the extraordinary economic concessions that China has offered to the United States. If we reject PNTR, we reject the bulk of the concessions that China reluctantly made. We would be allowing China to keep its barriers up—and we might well be inviting the WTO to impose sanctions against us for not playing by the rules we agreed to.

Within five years, under this agreement, China will completely end its tariffs on information technology. It will eliminate its geographical limitations on the sale of financial services and insurance. It will do away with quotas on products such as fiber-optic cable. And it will end the requirement to hire a Chinese government ''middleman'' to sell and distribute products and services in China. These are major concessions that no one could have predicted even two years ago.

China has also agreed to eliminate export subsidies. The inefficient, state-owned industries in China will no longer be able to rely on government support to stay afloat. They will be required to compete on a level playing field. China has agreed that its state-owned industries will make decisions on purely commercial terms, and will allow US companies to operate on the same terms.

The agreement also contains strong provisions against unfair trade and import surges. We will have at our disposal effective measures to prevent the dumping of subsidized products into American markets for years to come. The agreement contains strong and immediate protections for intellectual property rights, which will benefit important US industries such as software, medical technology, and publishing. Strong protections are also included against forced technology transfer from private companies to the Chinese government—a provision that has benefits for both commercial enterprises and national security.

All of these protections and concessions will be lost if Congress fails to pass PNTR. Rejection of this agreement would put American businesses and workers at a major disadvantage with our competitors in Europe and in many other nations in securing access to the largest market in the world.

One out of every ten jobs in Massachusetts is dependent upon exports, and that number is increasing. If we accept the concessions that China has given us, companies in cities and towns across the state will be more competitive. More exports will be stimulated, and more jobs will be created here at home.

It is clear that many of our businesses will reap significant benefits from this trade agreement. But it is also clear that some businesses and workers will be hurt by it as well. It is our responsibility to do everything we can to reduce the harm that free trade creates. We must strengthen trade adjustment assistance and worker training programs. As we open our doors wider to the global economy, we must do much more to ensure that American workers are ready to compete. We must make the education and training of our workforce a higher priority as we ask our citizens to compete with workers across the globe. Importing skilled foreign labor is no substitute for fully developing the potential of our domestic workforce. The growth in the global marketplace makes education and training more important than ever.

We need to create high-tech training opportunities on a much larger scale for American workers who currently hold relatively low-paying jobs and wish to obtain new skills to enhance their employability and improve their earning potential. As the economy becomes more global and more competitive, it would be irresponsible to open the doors to new foreign competition, without giving our own workers the skills they need to compete and excel. I'm very hopeful that passage of this agreement will provide a strong new incentive for more effective action by Congress on all these important issues.

The issue of PNTR also involves major foreign policy and national security considerations. When China joins the World Trade Organization, it will be required to abide by the rules and regulations of the international community. The Chinese government will be obligated to publish laws and regulations and to submit important decisions to international review. By integrating China into this global, rules-based system, the international community will have procedures never available in the past to hold the government of China accountable for its actions, and to promote the development of the rule of law in China.

The WTO agreement will encourage China to continue its market reforms and support new economic freedoms. Already, 30 percent of the Chinese economy is privatized. Hard-line Chinese leaders fear that as China becomes more exposed to Western ideas, their grip on power will be weakened, along with their control over individual citizens.

As the economic situation improves, China will be able to carry out broader and deeper reforms. While economic reforms are unlikely to result immediately and directly in political reforms, they are likely to produce conditions that will be more conducive to democracy in China in the years ahead.

All of us deplore China's abysmal record on human rights and labor rights and the environment, and we have watched with dismay as these abuses have continued. It is unlikely that approving PNTR will lead to an immediate and dramatic improvement in China's record on these fundamental issues. But after many years of debate, the pressure created by the annual vote on China's trade status has not solved those problems either.

Approving PNTR leaves much to be desired on all of these essential issues. But on balance, I believe that it can be a realistic step toward achieving the long-sought freedoms that will benefit all the people of China. The last thing we need is a new Cold War with China.

Mr. KERREY. Mr. President, I rise to comment on the legislation pending before the Senate on Permanent Normal Trade Relations with China. I support this bill not only because it is in the best interest of American farmers, businesses, and consumers; but also because passage of PNTR is the best way for America to have a positive influence on China's domestic policies, including policies affecting basic human rights.

I believe that this bill has been characterized by many of my esteemed colleagues as something that it is not—a reward to China despite its poor human rights record. Surely, we do not agree with the treatment of China's citizens, just as surely as we do not agree with so many other practices of the Chinese government. However, it is important to remember that China will become a member of the WTO no matter how we vote. If the Congress were to vote against Permanent Normal Trade Relations, many of our trading partners will receive the myriad benefits of trading with China, while our farmers, our businesses, . . . our citizens would be excluded.

Furthermore, the interest we have in promoting human rights protection in China is not defeated with the passing of this bill. The Congress has used its annual review of Normal Trade Relations to push China to become more democratic, to treat its citizens with basic decency, and to discourage Chinese participation in the proliferation of weapons of mass destruction. We now have the opportunity to assist our allies in bringing China into the world trading community. And by bringing China further into the global community, the real beneficiaries of PNTR, and eventual membership in the WTO, will be the Chinese people. The Chinese people will benefit from the new economic opportunities created by increased trade. The Chinese people will benefit from the spread of the rule of law, from increased governmental transparency, and from the economic freedom which will come as a consequence of China's membership in the WTO. Finally, passage of PNTR will make it much more likely that the Chinese people will have the opportunity to do what so many Chinese-

Americans have done in the United States. By harnessing the power of individual innovation and by starting businesses, the Chinese people will be able to generate new wealth and new opportunities for themselves and their children.

While the rewards of membership are evident, let us not overlook the responsibilities that come with membership in that community—particularly the responsibilities that come with membership in the WTO. What better way to promote democracy in China, a nation that has long lacked a strong rule of law, than to encourage its participation in institutions, like the WTO, with strong dispute resolution mechanisms. Membership in the WTO will cause China to reexamine its legal infrastructure. Violating WTO agreements brings real consequences—the imposition of trade sanctions.

This is a historic opportunity. We will soon be voting on one of the most important bills ever debated in this body. I will support Permanent Normal Trade Relations for China and I hope that my colleagues will recognize this bill's importance, and give it their support.

Let me remind my colleagues that granting PNTR is not a reward for China, it is a reward for US farmers, businesses, and consumers. Passage of PNTR would allow the US to take advantage of the concessions agreed to by China in the bilateral agreement during its accession process. Tariffs for US goods will be drastically reduced.

Mr. MCCAIN. Mr. President, I rise in strong support of H.R. 4444, the U.S.-China Relations Act of 2000. This long-overdue legislation is an essential prerequisite to the advancement of U.S. interests in the Asia Pacific region, and I urge its prompt passage.

The preceding two weeks have witnessed considerable debate on the floor of the Senate with respect to U.S.-China relations and the wisdom of granting permanent Normal Trade Relations status to the government in Beijing. Clearly, there are extraordinarily serious issues dividing the United States and China. Issues central to our national security and moral values continue to preclude the development of the kind of relationship many of us would have liked to have enjoyed with the world's most populous country. As long as China continues to engage in such abhorrent practices as forced abortions, the harvesting of human organs, repressive measures against people of faith and pro-democracy movements, and the proliferation of ballistic missiles and technology, there will continue to be considerable tension in our relationship.

No one should attempt to minimize the significance of these activities. Their termination must be among our highest foreign policy priorities. Opponents of extending permanent normal trade relations status to China, however, are wrong to suggest that such a policy weakens our ability to address important issues that insult our values as a nation and impose tremendous suffering on many Chinese citizens. On the contrary, the economic relationship between the United States and China is a powerful tool for moving China in the direction we desire.

There is considerable room for improvement in the human rights situation in China, and efforts at ending Chinese transfers of ballistic missile technology to other countries have been frustratingly ineffective. Denying permanent normal trade status for China, however, is not the answer. China does in fact represent a case for economic engagement as a mechanism for affecting political change. China's history, which cannot be divorced from discussions of contemporary Chinese developments, is quite illuminating in this respect. One of the world's oldest and proudest civilizations, China has nevertheless never known true democracy. Go back 3,000 years and trace its history to the present. It is only in the last quarter-century that the window has truly opened for those aspiring to a freer China.

The economic reforms initiated by the late Premier Deng Xiao-ping began a process that has benefited millions of ordinary Chinese and has held out the greatest hope for prosperity and, ultimately, political freedom that country has ever known. The Chinese government, in fact, is struggling with the dichotomy between economic liberalization and political repression and is discovering to its dismay that it has irreconcilable interests. The United States, by maximizing its presence in China through commercial investment and trade, can be of immeasurable assistance to the Chinese population in ensuring that that conflict between economic growth and political repression is resolved in the direction of liberalization.

Objective analysis strongly supports this assertion. Since the beginning of economic reform in 1979, China's economy has emerged as one of the fastest growing in the world. The World Bank calculates that as many as 200 million Chinese have been lifted out of poverty as a result of the government's economic reforms. A recent Congressional Research Service study noted that China will have more than 230 million middle-income consumers by 2005. Clearly, economic reform, fueled in large part by trade, is benefitting the average Chinese citizen. It is important that we enable American businesses to develop a presence in these markets now, so that they can both take advantage of future developments and so that American values and practices can better take hold and flourish.

We should not be ashamed of the fact that our economy benefits by trade with China. China's accession to the World Trade Organization, an inevitability given its importance as a market, will allow American companies to sell to Chinese consumers without the current arbitrary regulations. China will be forced to take steps to open its markets to U.S. goods and services that it has been reluctant to take in the past. These steps include major reductions in industrial tariffs from an average of 24 percent to an average of 9.4 percent; reductions in the tariffs on agricultural goods from an average of 31 percent to 14 percent, as well as elimination of non-tariff barriers in agricultural imports; major openings in industries where China has been extremely reluctant to permit foreign investment, including telecommunications and financial services; and unprecedented levels of protection for intellectual property rights. In addition, the United States will be able to use the dispute resolution mechanism of the WTO to force China to meet its obligations and open its markets to American goods.

Opponents of engaging China in trade should be aware that membership in the World Trade Organization carries with it responsibilities that are at variance with Communist Party practice. That is why Martin Lee, chairman of the Democratic Party of Hong Kong, noted that China's participation in the WTO would ''bolster those in China who understand that the country must embrace the rule of law.'' Similarly, Wang Shan, a liberal political scientist, stated that ''undoubtedly [the China WTO agreement] will push political reform.'' And the former editor of the democratic journal Fangfa has written that ''if economic monopolies can be broken, controls in other areas can have breakthroughs as well . . . In the minds of ordinary people, it will show that breakthroughs that were impossible in the past are indeed possible.''

Yes, we have serious concerns with Chinese behavior in a number of areas. As General Brent Scowcroft stated in a hearing before the Commerce Committee last April, however, the essential point is what is gained by denying China permanent normal trade relations status. We would not accomplish our foreign policy objectives in the Asia Pacific region, or within the realm of missile proliferation, by impeding trade with China. I supported the measure offered by Senator THOMPSON intended to address the issue of Chinese missile proliferation because of that issue's importance to our national security, but also because it was not intended as an anti-trade measure, as is the case with the other amendments offered to this bill.

It is past time that the Senate passes permanent normal trade relations status for China. It is in America's interest, and in the interest of hundreds of

millions of Chinese citizens. It is the right thing to do.

I thank the President for this opportunity to address the Senate, and urge passage of the U.S.-China Relations Act of 2000.

Mr. KERRY. Mr. President, the Senate is debating an important question with tremendous ramifications for our relationship with China and the American economy: whether to extend Permanent Normal Trade Relations status to China (PNTR).

The opponents of PNTR argue that China is not worthy of receiving PNTR. They offer a laundry list of reasons. Its track record on human rights has not only not improved but has gotten worse. It continues to ignore commitments made in the nonproliferation area, particularly with respect to the spread of missile technology. Its intimidation of Taiwan continues, with little indication that Chinese leaders are prepared to avail themselves of Taiwanese President Chen Shui-bian's offers to begin negotiations. Its compliance with existing agreements leave a lot to be desired. They speak passionately about those concerns. And these issues should never be overlooked in any thoughtful analysis of our relationship with China. They must productively be incorporated into a policy of engagement; but make no mistake: we must have a policy of engagement.

I support PNTR and I intend to vote for it. I will admit to you that when I read recent press accounts of yet another crackdown on religious practitioners in China—this time members of a Christian sect called the China Fang-Cheng Church—and of the deaths of three Falung Gong members who have been imprisoned—I understood once more the temptation to reverse my position and vote against PNTR. But I am not going to do that Mr. President, because PNTR is not an effective tool for changing China's behavior at home or abroad—and as much as we detest the behavior in China with regard to religious freedom, it is not symbolic protest that will bring about change, but thoughtful approaches and a new and different kind of engagement—economic as well as diplomatic—that will leverage real change in China in the years ahead .

So let me say once more, there is no question that the issues raised by the opponents of PNTR are serious and real. We are all outraged by the repression of Chinese citizens who simply want to practice their spiritual beliefs or exercise political rights. But denying China PNTR will not force the Chinese leadership to cease its crackdown on religious believers or political dissidents. It will not force China to abide by the principles of the Missile Technology Control Regime (MTCR) or slow down its nuclear or military modernization, or reverse its position on Taiwan. Denying PNTR will NOT keep China out of the WTO. But I am certain that denying China PNTR will set back the broad range of U.S. interests at stake in our relationship with China and undermine our ability to promote those interests through engagement.

China has the capacity to hinder or help us to advance our interests on a broad range of issues, including: nonproliferation, open markets and free trade, environmental protection, the promotion of human rights and democratic freedoms, counter-terrorism, counter-narcotics, Asian economic recovery, peace on the Korean peninsula and ultimately peace and stability in the Asia-Pacific region. It is only by engaging with China on all of these issues that we will make positive progress on any and thereby advance those interests and our security. Engagement does not guarantee that China will be a friend. But by integrating China into the international community through engagement, we minimize the possibility of China becoming an enemy.

Over the last three decades, U.S. engagement with China, and China's growing desire to reap the benefits of membership in the global community have already produced real—if limited—progress on issues of deep concern to Americans, including the question of change in China.

There are two faces of life in China today:

The first face is the disturbing crackdown on the Falon Gong and the China Fang-Cheng Church, the increase of repressive, destructive activities in Tibet, the restraints placed on key democracy advocates and the harassment of the underground churches. The second face is that of the average citizen who has more economic mobility and freedom of employment than ever before and a better standard of living.

More information is coming in to China than ever before via the Internet, cable TV, satellite dishes, and western publications. Academics and government officials openly debate politically sensitive issues such as political reform and democratization. Efforts have begun to reform the judicial system, to expand citizen participation and increase choices at the grass roots level.

While China's leaders remain intent on controlling political activity, undeniably there are indications that the limits of the system are slowly fading, encouraging political activists to take previously unimaginable steps including the formation of an alternative Democracy Party. On the whole, Chinese society is more open and most Chinese citizens have more personal freedom than ever before. Of course, we must press for further change, but we should not ignore the remarkable changes that have taken place.

China's track record on weapons proliferation is another issue of serious concern. Senator THOMPSON has introduced sanctions legislation targeted at China's proliferation policies, and I understand he will be offering that as an amendment to PNTR. With this legislation, Senator THOMPSON has done the Senate and this Nation a great service, by forcing us to take a hard look at the reality of China's commitment to international proliferation norms. And that reality, particularly over the last eighteen months, is disturbing. But I do not believe that a China-specific sanctions bill is an effective response to the challenge of weapons proliferation. And we should not scuttle PNTR just to make a point—however valid—about China's continuing export of missile-related technology.

Our concern about recent Chinese activities related to the transfer of missile technology should not lead us to overlook the totality of China's performance in the arms control area. The fact is China has taken steps, particularly in the last decade, to bring its nonproliferation and arms export control policies more in line with international norms. China acceded to the Biological Weapons Convention in 1984. In 1992, China acceded to the Nonproliferation Treaty, NPT. China signed the Comprehensive Test Ban Treaty in 1996, CTBT, and the next year promulgated new nuclear export controls identical to the dual-use list used by the Nuclear Suppliers Group. In 1997 China joined the Zangger Committee, which coordinates nuclear export policies among NPT members. The same year it ratified the Chemical Weapons Convention and began to enforce export controls on dual-use chemical technology. In 1998 China published detail export control regulations for dual-use nuclear items. These developments have also been accompanied by various pledges, for example not to export complete missile systems falling within MTCR payload and range and not to provide assistance to Iran's nuclear energy program. China's commitment to these pledges has been spotty but the fact is, China's record today is dramatically different from what it was in the 1980s or the three decades before. Then we were faced with a China exporting a broad range of military technology to an array of would-be nuclear states including Libya, Syria, Iran, Iraq, Pakistan and North Korea. Today, our principal concern is Chinese exports in the area of missile-related technology—not complete missile systems—and to two countries: Pakistan and Iran. That, it seems to me, is progress, and progress made during a period of growing engagement between China and the international community.

Some in this body, frustrated that our current engagement with China has born little fruit, are offering amendments in an attempt to use the presumed leverage in PNTR as a means

of changing China's policies. I believe that engagement offers the best prospects for promoting our interests with China but I understand and share their frustration over the way in which the current administration has engaged China. The next administration must engage with greater clarity of message, consistency of policy, pragmatism about what can be achieved and over what time frame, and determination to hold China accountable when it misbehaves or ignores commitments made.

However, we should not let our frustration with the benefits of engagement lead us to undermine that policy by delaying or denying PNTR in a vain quest to change China overnight. PNTR is not a ''reward'', as the opponents of PNTR suggest. It is a key element in our economic engagement with China and an affirmation of our intention to have a normal trading relationship with China, as we do with the overwhelming majority of our other trading partners. Many of China's most outspoken critics including Martin Lee, the head of Hong Kong's Democratic Party, Bao Tong, one of China's most prominent dissidents; and Dai Qing, an engaging writer and environmental activist who was jailed in the wake of Tiananmen Square for her prodemocracy activities and writings, want us to give PNTR to China. They want it because they know that drawing China deeper into the international community's institutions and norms will promote more change in China over time. As Dai Qing told U.S. when she testified before the Foreign Relations Committee in July: ''Firstly, PNTR will help to reduce governmental control over economy and society; secondly, PNTR will help to promote the rule of law; and thirdly, PNTR will help to nourish independent political and social forces in China.''

The opponents of PNTR have argued that we are giving up leverage over China because we are abandoning our annual review of U.S.-China relations. This argument ignores two critical points: first, there has been little leverage in the MFN review because China can simply do business with others; and second, Congress has never revoked the status in the last 12 years. So how meaningful is this review in reality? There is nothing in the action we are contemplating here that prevents Congress from acting in the future, if it so desires. In fact, the pending legislation sets up a commission to review China's performance on key issues including human rights and labor rights and trade compliance so that if Congress wants to act, we will be better informed at the outset.

This vote on extending PNTR is not a referendum on the China of today. It is a vote on how best to pursue all of our interests with China including our economic interests. Extending PNTR will allow the United States to enjoy economic benefits stemming from the bilateral agreement negotiated between the United States and China. I am concerned that critical labor, human rights and environmental protections were left out of the agreement. However, I believe the agreement undeniably forces China to open its doors to more trade, and if we fail to vote in favor of PNTR, we risk forfeiting increased trade with the largest emerging market in the world to other countries in Europe and Asia.

This would be no small loss for the United States. Just consider the facts which underscore the importance of trade with China. By granting PNTR status to China, the U.S. will be able to avail itself to China—to make American goods and services available to one-fifth of the world's population. China is the world's second largest economy in terms of domestic purchasing power. It is the world's seventh largest economy in terms of Gross Domestic Product and is one of the fastest growing economies in the world. Simply put, China's economy is simply too large to ignore.

It is of course true that there has been sharp growth in the U.S. trade deficit with China, which surged from $6.2 billion in 1989 to more than $68 billion in 1999. But it is also true that the deficit is in large part due to the fact that China has closed its doors to U.S. products.

I believe that only by granting PNTR to China will U.S. businesses be able to open those doors and export goods and services to China, so that our economy can continue to grow and our workers be fully employed. U.S. exports to China and Hong Kong now support 400,000 American jobs. Trade with China is of increasing importance in my home state. China is Massachusetts' eighth largest export market. The Massachusetts Institute for Social and Economic Research at the University of Massachusetts calculated that in 1999, Massachusetts exported goods worth a total of nearly $366 million to China. That represents an increase in total exports to China of more than 15 percent from the previous year and translates into more jobs and a stronger economy in my state.

The bilateral trade agreement between the U.S. and China will give businesses in every state the chance to increase their exports to China, ultimately leading to more growth here at home. Under the agreement, China is committed to reducing tariffs and removing non-tariff barriers in many sectors important to the U.S. economy. China has agreed, for instance, to cut overall agricultural tariffs for U.S. priority products—beef, grapes, wine, cheese, poultry, and pork—from 31.5 percent to 14.5 percent by 2004. Overall industrial tariffs will fall from an average of 24.6 percent to 9.4 percent by 2005. Tariffs on information technology products—which have been driving the tremendous economic prosperity our country is currently enjoying—would be reduced from an average level of 13.3 percent to zero by the year 2005. China must also phase out quotas within five years. The U.S. market, on the other hand, is already open to Chinese products. We have conceded nothing to China in terms of market access, while China must now open its doors to increased exports. This is a one-way trade agreement favoring the United States of America.

China has made other concessions that are likely to be extremely beneficial to the U.S. economy. It has agreed to open service sectors, such as distribution, telecommunications, insurance, banking, securities, and professional services to foreign firms. China has agreed to reduce restrictions on auto trade. Tariffs on autos will fall from 80–100 percent to 25 percent by 2006, and auto quotas will be eliminated by 2005. Perhaps most importantly, the agreement and this legislation provide that China must accept the use by the United States of safeguard, countervailing, and antidumping provisions to respond to surges in U.S. imports from China that might harm a U.S. industry.

A favorable vote on PNTR will also benefit the agriculture industry. China is already the United States' sixth largest agricultural export market, and that market is expected to grow tremendously in the 21st century. China is a major purchaser of U.S. grain, meat, chicken, pork, cotton and soybeans. In the next century, USDA projects China will account for almost 40 percent of the growth in U.S. farm exports.

We must recognize that the U.S. will not be able to sell its wheat, provide its financial services, or market its computer software in China unless we grant China PNTR status. Let there be no mistake, China will become a member of the WTO whether or not we pass PNTR. Under the Jackson-Vanik Amendment to the Trade Act of 1974, the United States can and does extend Normal Trade Relations treatment to China annually. If Congress fails to amend its laws to provide permanent, rather than annual, normal trade relations, we will not be able to satisfy the requirement that normal trade relations be unconditional. The U.S.-China agreements could therefore not be enforced and the U.S. would not be able to avail itself to the dispute resolution procedures of the WTO.

The benefits of the WTO agreement extend beyond more open Chinese markets to the application of a rules-based system to China, a country that has historically acted outside the world's regulations and norms. Under the terms of this agreement, the Chinese government is obliged to publish laws and regulations subjecting some of China's most important decisions to the

review of an international body for the first time. WTO membership will force China to accelerate market-oriented economic reforms. This will be a difficult and challenging task for China, but an important one that will result in freer and fairer trade with China.

Despite the likely benefits that the United States will reap if it grants PNTR to China, we must pay attention to the concerns expressed by those in the labor, environmental and human rights communities about the impact of this vote. We must hear their voices and heed their warnings so that we are on alert in our dealings with China. In China, workers cannot form or join unions and strikes are prohibited. There are no meaningful environmental standards and the prevalent use of forced labor make production in China extremely inexpensive. Because they cannot bargain collectively, Chinese workers are paid extremely low wages and are subject to unsafe working conditions.

No one on either side of the aisle, not even the most ardent supporter of PNTR, supports these most undemocratic, morally reprehensible conditions in China, and we have a duty and a responsibility to pay attention to the conditions there. It is my hope and belief that as U.S. firms move into China, they will bring with internationally-accepted business practices that may actually raise labor and environmental standards in China. I also hope that they will provide opportunities for Chinese workers to move from state-owned to privately-owned companies, or from one private company to another, where the conditions are better. These steps are small, but important. Nevertheless, the international community in general and the United States in particular must remain vigilant in order to ensure that standards are rising in China and it is simply not the case where the only benefit to come from freer trade with China is that the corporate coffers of large companies are being lined with money saved on the backs of Chinese laborers.

We must also be vigilant in ensuring that once China becomes a member of the WTO, it complies with the rules of the WTO and lives up to its commitments under trade agreements. There are many critics of PNTR with China who rightly point out that China has an extremely poor record of compliance with current trade agreements with the U.S., and that it ''can't be trusted'' to live up to commitments once it is in the WTO. China's trading partners worldwide must cooperate to police China so as to ensure its adherence to the trade concessions it has made.

The environment is another area in which we must be vigilant in our efforts to encourage the Chinese government to begin to promulgate and enforce environmental standards. Right now, levels of air pollution from energy and industrial production in Shanghai and Shenyang are the highest in the world. Water pollution in regions such as Huai River Valley is also among the worst in the world. In 1995, more than one half of the 88 Chinese cities monitored for sulfur dioxide were above the World Health Organization guidelines. It is estimated that nearly 178,000 deaths in urban areas could be prevented each year by cleaner air. We simply cannot allow this complete degradation of the environment in China to continue unabated.

Denying PNTR to China won't stop its unfair labor practices or its environmental devastation. So while I would have liked to see these issues addressed in this legislation or in the bilateral agreement, I believe that, on balance, the risk of not engaging China at this time far outweighs any value we would gain by signaling to China that we still do not approve of its practices and policies. That symbolic signal would only strip U.S. of the leverage that WTO membership brings with it to hold China accountable and effect real progress. If the U.S. fails to support PNTR, and thus fails to take advantage of the benefits of China's inevitable membership in the WTO, U.S. companies stand to lose market share and U.S. workers may lose jobs to European and Asian companies that gain a strong foothold in China. We would also lose the opportunity to engage China and advance our positions on all of our interests including human rights and security. And that would be far too high a price to pay in this new global economy for the short term rewards of merely sending a message with far more negative consequences for U.S. than for China.

Engagement, is the course we must pursue—intelligently, with strength and a commitment to accountability. Engagement is a course best pursued by granting China Permanent Normal Trade Relations and bringing it into the WTO. It is in the best interests of our economy and it is in the best interests of our foreign policy, and I hope we can all join together in moving the United States Senate and our Nation in that direction.

Mr. BINGAMAN. Mr. President, I rise today to discuss the amendments that have been voted on in relation to H.R. 4444, a bill that authorizes permanent normal trade relations with China. Over the last two weeks or so, several of my colleagues have introduced very thoughtful legislation specifically designed to address problems that exist at this time in China. Taken alone and at face value, many of these amendments—from human and labor rights to technology transfer to religious freedom to weapons proliferation to clean energy—have been worthy and deserving of my support. At any other time, I would have in fact voted for many of these amendments. I personally am of the view that Chinese officials must continue to make significant and tangible efforts in the future to transform their country's policies to coincide with international rules and norms. Although China is indeed making a very difficult and gradual transition to a more democratic society and a market-based economy, much remains to be done. Chinese officials must reinvigorate their commitment to change, and they will inevitably be open to criticism from both the United States and the international community until they do so.

But this said, it is clear that any amendment attached to H.R. 4444 at this time will force the bill into conference, and at this late stage in the session, that means that the bill would effectively be dead. In my mind, this bill is far too important to have this outcome. I believe that H.R. 4444 is one of the most important pieces of legislation we will consider this year, for two reasons.

First, it creates new opportunities for American workers, farmers, and businesses in the Chinese market. This bill is not about Chinese access to the U.S. market as this already exists. The bill is about U.S. access to the Chinese market, because if this bill is passed we will see a significant change in the way China has to conduct business. As a result of this bill, we will over time see a reduction in tariff and non-tariff barriers, liberalization in domestic regulatory regimes, and protections against import surges, unfair pricing, and illegal investment practices. If we do not take action on this bill this year, we will be at a tremendous competitive disadvantage in the Chinese market relative to companies from other countries.

We cannot let this happen to American workers. In my state of New Mexico alone we have seen dramatic results from increased trade with China. Our exports to China totaled $147 million in 1998, up from $366,000 in 1993. China was New Mexico's 35th largest export destination in 1993, but now it ranks fourth in this regard. In 1993 only six product groups from New Mexico were heading to China as exports, but in 1998 there were sixteen product groups flowing in that direction, from electrical equipment and components to chemicals to agriculture to furniture. In short, increased trade opportunities with China translates directly to increased economic welfare for New Mexico, and all of the United States.

A second reason this legislation is so important relates to U.S. national security. From where I stand, China is playing an increasingly active role in Asia and the world, and it is in our national interest to engage them in discussions concerning these activities on an ongoing and intensive basis. There is simply no benefit to be gained from

attempting to isolate or ignore China at this time. It has not worked in the past, and it will not work in the future. I am convinced that our failure to pass this bill will limit our country's ability to influence the direction and quality of change in China. I have visited China, and I can tell you that the China of today looks dramatically different than the China of five years ago. This change is at least in part a direct result of our interaction with the Chinese people. As the PNTR debate moves forward, Congress must decide how it would like China to look five, ten, fifteen, twenty years from now. Do we want China to be a competitor, or an enemy? In my view, PNTR will place us in a particularly strong position to promote positive change in China and increase our capacity to pursue our long-term national interest.

Although I am certainly sympathetic to the objectives of many of the amendments offered by my colleagues, I feel the issue of trade with China deserves to be debated on its own merits. For this reason, I have chosen to vote against the amendments offered by my colleagues. But I would like to emphasize at this time that I look forward to the opportunity to address them in the future.

Mr. DORGAN. Mr. President, several months ago, the House of Representatives voted 237 to 197 to grant Permanent Normal Trade Relations to China. Before passing that legislation, however, the House added provisions that will require this and future Administrations to step up efforts to enforce China's compliance with its trade agreements and with internationally-recognized human rights norms.

Today the Senate will vote on whether we too will approve granting PNTR to China. That vote is on the limited question of whether to make permanent the favorable trade treatment that the United States has afforded to China one year at a time for the past 20 years—just that, and only that. The only difference in this upcoming vote and past votes on normal trade relations for China is: Shall normal trade relations be permanent, as they are with virtually every one of our other trading partners?

I have voted for normal trade relations in the past because China is a country of 1.3 billion people that is certain to play an important role in our future. The question is, will that role be a positive or negative one?

I happen to think that involvement with China is preferable to non-involvement. And I think on balance that the movement of China towards more freedom for its citizens and a market-based economy is much more likely to occur through normal trade relations than through estrangement.

While it is a close call, I have concluded that it is in our best interests to accord China Permanent Normal Trade Relations, because the legislation also establishes a commission to monitor human rights and labor issues in China and includes provisions that will ensure better enforcement of our trade agreements.

I would like to explain my reasoning.

I am mindful that there are some actions by China that give us pause. Threats directed at Taiwan, the transfer of missile technology to rogue states, and the abuse of human rights inside China are all reasons for concern. But I have seen almost no evidence that there has been any connection between Chinese behavior and Congress' annual review of China's trade status. On the other hand, there is evidence that the engagement with China by Western democracies has led to some improvement in a number of areas. It is my hope that those improvements will continue and be enhanced with Permanent Normal Trade Relations and China's accession to the WTO.

I am under no illusion that granting PNTR to China and allowing it to join the WTO will lead China inexorably toward democratization, better human rights and economic liberalization. However, I find it notable that China's security services, and conservative members of the military and Communist Party feel threatened by those developments. They are leading the opposition to President Zhang Zhemin and Premier Zhu Rongji's efforts to restructure China's economy and join the WTO precisely because they fear it will weaken the Communist Party's absolute hold on power.

The Dalai Lama and many of China's leading democracy and human rights advocates support Permanent Normal Trade Relations. They believe that the closer the economic relationship between the U.S. and China, the better the U.S. will be able to monitor human rights conditions in China and the more effectively the U.S. will be able to push for political reforms. However, other human rights advocates, including Harry Wu, believe granting China PNTR will weaken America's ability to influence China's human rights. That is why it is so important that the PNTR legislation establish a commission to monitor the human rights and labor situation in China and suggest ways we can intensify human-rights pressure on Beijing.

Most of the farm groups and business groups from my state believe PNTR and the implementation of the U.S.-China Bilateral Trade Agreement will result in a significant rise in U.S. exports to China. I hope that is true. But I fear they will be disappointed. Most impartial studies have concluded that the gains are likely to be modest. Furthermore, I am concerned by comments which were made by China's lead trade negotiator that China has conceded only a ''theoretical'' opportunity for the U.S. to export grain or meat to China. This makes me wonder whether China has any real intention of opening its markets as contemplated in the bilateral agreement. That is why it is so important that the PNTR bill includes provisions that will require the administration to step up its efforts to ensure that China complies with its trade agreements.

The systemic trade problems we are experiencing with China and many other countries, including Japan, Europe, and Canada, have little to do with this debate about Normal Trade Relations and a lot to do with our willingness to give concessional trade advantages to shrewd, tough, international competitors at the expense of American producers. Frankly, I am tired of it.

The recent U.S.-China Bilateral Trade Agreement was hailed as a giant step forward. In fact, it comes up far short of what our producers ought to be expecting in such agreements. If we were given a vote on that agreement, I would likely vote no, and tell our negotiators to go back and try again.

Our negotiators should have done better. It is outrageous that they signed an agreement that allows China, which already has a $70 billion merchandise trade surplus with the United States, to protect its producers with tariffs on American goods that are two to ten times higher than the tariffs we charge on Chinese goods. There is no excuse for that. But that circumstance is not unique to China. It exists in our trade relations with Japan, with the European Union, with Canada, and others. We now have a mushrooming merchandise trade deficit that is running at an annual $400 billion-plus level. It is unsustainable and dangerous for our country.

We must begin to negotiate trade agreements with our trading partners that are tough, no nonsense agreements. We should develop rules of fair trade that give American workers and American businesses a fair opportunity to compete.

Regrettably most of our trade policies reward those corporations that want to produce where it's cheap and sell back into our marketplace. That is a recipe for weakening our economy and it must stop.

So, I voted for Normal Trade Relations with China previously, and I intend to vote to make it permanent, provided that we also require this and future Administrations to dramatically step up efforts to enforce China's compliance with its trade agreements and with internationally-recognized human rights norms.

However, I want it to be clear that, if we accord Permanent Normal Trade Relations to China and we discover that they are not in fact complying with the terms of the bilateral agreement we negotiated with them or that

they are retreating rather than progressing on the issue of human rights for Chinese citizens, then I believe we must reserve the right to revoke China's Normal Trade Relations status.

Mr. LUGAR. I would like to ask the distinguished chairman of the Finance Committee, Senator ROTH, a brief question. Mr. Chairman, there are a number of important initiatives and oversight capabilities created in this legislation on PNTR. Not only do we make permanent our trading relationship with China, but we have included monitoring capabilities to ensure that the commitments agreed to in the WTO accession agreements are, in fact, lived up to by the Chinese government.

Mr. ROTH. The Senator from Indiana is correct.

Mr. LUGAR. I would like to then clarify that the bill before us should not only provide means to review WTO trade compliance, but also past agreements affecting trade between our countries, whether they are treaties or memorandum of agreements between the United States and China. Is this correct, Mr. Chairman?

Mr. ROTH. The Senator is correct.

Mr. LUGAR. Thank you, Mr. Chairman. I would like then to state here that it is the intent of the bill that there be a review of the implementation of the 1992 Memorandum of Agreement between the United States and China on the Protection of Intellectual Property Rights. As you know, this agreement was reached so that American pharmaceutical compound patents issued between 1986 and 1993 would enjoy protection in China. As a number of disputes have arisen from this agreement, I think it is important that we have an independent and objective look at this agreement and then we can determine if additional efforts in this area are warranted.

Mr. ROTH. I thank the Senator. It is my intent, as his, that the 1992 MOU shall also be reviewed.

Mr. LUGAR. I thank the distinguished Chairman.

Mr. ENZI. Mr. President, I rise to speak in favor of the bill to extend permanent normal trade relations to China. I have taken a great deal of time to study both the positive and negative aspects of granting PNTR to China. I was undecided on which way to vote for quite some time. I met with and talked to those on both sides of the issue.

Although I had several concerns, my biggest were about the reports of religious persecution and other human rights violations that continue to occur in China. It certainly is not fair that anyone—let alone 20 percent of the world's population—live under this kind of injustice. We in America, a great land of freedom and liberty, find these abuses intolerable and inexcusable. Although human rights have improved over the past 20 years since China has opened up its market to the world, it has a great deal of progress to make.

I care deeply about many of the issues that have been raised throughout this debate. And I pledge to continue working to ensure that these issues are not forgotten. The evils that the communist government of China perpetuates, such as forced abortion, organ harvesting, religious persecution, weapons proliferation, and the like, should still be addressed. We must do everything we can to not only bring China into the world trading system, but also into the system of international norms, which recognizes the value of human life and rights.

After carefully weighing the issues I decided to support passage of this bill. I also decided it was such an important bill for American and Chinese citizens that it should be passed this year.

This caused me to be in the position of voting against several amendments that in any other situation I would have supported. I know several of my other good friends and colleagues did the same.

Now I want to explain some of the conclusions I have reached.

First, the recently signed U.S.-China trade agreement does not require the U.S. to make any concessions. It does not lower tariffs or other trade barriers for Chinese products coming into America. Instead, it forces China to open its market to U.S. goods and services provided the Congress extends PNTR to China. Passage or failure of this bill does not determine whether or not China becomes a member of the WTO. However, since the WTO requires that members treat each other in a non-discriminatory manner, each member country must grant other members permanent normal trade relations. Therefore, if China is not granted PNTR, it is not obligated to live by its WTO trade and market-opening commitments made to the United States.

As I mentioned earlier, China's regime has a poor track record when it comes to the human rights of its more than 1 billion citizens. It still has a long way to go to become acceptable. But the United States should not isolate the people of China from the exchange of information and products. We should not impede the efforts of Chinese citizens to trade and exchange property, which is an essential aspect of a free society.

The gradual opening of the Chinese market in recent years has been accompanied by very slow, yet positive advancements for religious freedoms in China. For example, consider the comments of Nelson Graham, son of the Reverend Billy Graham and President of East Gates International, a Christian non-profit organization. In his testimony at the Senate Finance Committee earlier this year he said, ''I believe that granting China PNTR will not only benefit U.S. businesses and U.S.-based religious organizations but will be one step further toward bettering the relationship between our countries.''

He went on to add that the impact of China's increased trade relations with the West has already caused a ''proliferation of information exchange [that] has allowed us to be much more effective in developing and organizing our work in the [People's Republic of China].''

These and similar comments by other religious leaders have led me to believe that increased trade will help the work of these religious organizations and help promote greater freedoms in China. Prior to the gradual market opening of China, religious organizations like Nelson Graham's East Gates International, had little or no way of reaching the spiritually-starved Chinese people.

I also want to emphasize that this bill in no way ignores the importance of religious and human rights. It sets up a permanent Commission to monitor human and religious rights and the development of rule of law and democracy-building in China. This Commission will have similar responsibilities as the existing Commission on Security and Cooperation in Europe established in 1976, which has proven effective in monitoring and encouraging respect for human rights in Eastern Europe.

Mr. President, at the conclusion of my remarks I will ask unanimous consent that four letters and one op-ed piece I have be inserted into the RECORD. Three of the letters are written by the Reverend Billy Graham, Joe Volk of the Friends Committee on National Legislation, and Pat Robertson of the Christian Broadcasting Network. The other letter is from thirty-two religious leaders representing a broad range of religious organizations. the op-ed was written by Randy Tate, former Executive Direction of the Christian Coalition, and was published in the Washington Times last year. Each communication makes the point that PNTR will benefit U.S. religious organizations with operations in China.

I do not pretend that improvements in religious and human rights in China will happen overnight. Progress in liberty will not be immediate in a country where the government owns most of the property and has strict limits on political and religious association. Not one of us in this body would create a political regime such as that currently operating in China if we were cutting from whole cloth. Unfortunately, history rarely presents such ideal circumstances. Instead, we must address the world as we find it with all its imperfections.

I believe the question each of us must ask ourselves is whether human and religious rights will be improved by refusing China permanent normal trade relations. I see no evidence this would be the case. Rather, I believe that the increase in economic freedom that comes through increased trade relations will, in turn, bring about greater religious freedom and a better environment for human rights as well.

Randy Tate probably summed up this issue best. He said:

> 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 . . . [I]s it any surprise that some of our nation's most respected religious leaders, from Billy Graham to Pat Robertson, have called for keeping the door to China open?

I also want to briefly discuss another serious issue which was raised during the PNTR debate—the proliferation of weapons of mass destruction by China. While I recognize the sometimes delinquent behavior of China in this area, I believe the amendment which failed used a flawed unilateral and inflexible approach. I want to see the elimination of the proliferation of weapons of mass destruction. But the President currently has ample authority to sanction foreign entities for proliferation under numerous statutes. Therefore, the problem we now have is a failure by this Administration to effectively deal with the Chinese government to eliminate this proliferation. Some very targeted sanctions were probably in order for some of the Chinese proliferation activity.

But the amendment that was offered would have prescribed a very rigid one-size-fits-all solution. And we must remember that the most effective sanctions are those that are multilateral and those that have general agreement among our allies. The amendment would have required unilateral sanctions which history has shown to be ineffective tools in achieving desired behavior.

I do not believe that trade will cure all of the problems we have with China. Moreover, PNTR should not be considered a gift to China, but rather a challenge for China. The U.S. market is already open to countless Chinese goods. This will not change even if we were to refuse PNTR to China. Instead, if Congress extends PNTR to China it must open its market to the United States. At the same time China must play by the rules of the international trading system, subjecting itself to the WTO's dispute settlement process.

Without PNTR, China can remain closed to U.S. products yet increase its exports to the U.S., further exacerbating our trade deficit with China. This bill is about getting our products into China. By cooperating with them, they will lower tariffs to get into the WTO and then we have a court to adjudicate their violations. PNTR simply allows fair treatment of U.S. products and services going to China once China enters the WTO.

Change will not happen instantly. But I do believe increased trade will help advance the cause of freedom in China. The policy of engagement through trade must be backed up by strong U.S. leadership that vigorously challenges China, on a bilateral basis and through international organizations, about its human rights, weapons proliferation and other obvious shortcomings. But a vote against PNTR doesn't hurt the hard-line communists in China nor does it help the cause of human rights in China. The best way to end these evils is to transform China into a politically and socially free country. And that transformation will begin with economic freedom. Approving PNTR for China is the next and most important step toward a freer China and a safer world.

Mr. President, I ask unanimous consent to have additional material printed in the RECORD.

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

OPENING CHINA'S ECONOMY

WTO MEMBERSHIP WILL BENEFIT ALL

(By Randy Tate)

When trade ministers of World Trade Organization member nations gather in Seattle this week, they will comprise the largest gathering of trade officials on U.S. soil since the Bretton Woods conference at the conclusion of World War II.

The world has dramatically changed in the intervening half-century Astounding technological advances since then have made us not only comfortable but nonchalant toward international communication. But not so when it comes to trade. Here some still see an insoluble dilemma; choosing between American interests and American ideals. By this argument, we must either engage in commerce with emerging economic giants like China, or forsake trade in standing up for democratic values and human rights.

Fortunately, many conservative and religious leaders are rejecting this false choice and are now charting a third course. They recognize that trade and cultural exchange does not hinder but rather advances the value of free minds and hearts.

All Americans of good faith can start from this point of agreement. We must stand firm in our support of democracy and the inalienable rights to liberty. We all condemn abhorrent acts such as the bloody suppression of freedom in the Tiananmen Square massacre. And there are many ways of expressing that condemnation: tough diplomacy military containment, and hard-headed realism are among them. But isolation and protectionism would be misguided, and ultimately counterproductive.

A fifth of the planet's population lives in China. It makes no sense to isolate 1.3 billion people from the rest of us. That will only encourage irresponsible commercial and political behavior, at home and abroad. Our goals should be to open Chinese markets to our products and services while opening up Chinese society to freedom. That is the way to give its citizens the real opportunity to breathe the liberating air of faith and democracy.

It would be nice of course, if the Chinese leadership did that on its own initiative. But that is a fantasy. An isolated China will resist change at home and be likely to behave more aggressively towards its regional neighbors. None of that serves American interests. Admitting China into the WTO may not cause it to shed dictatorship for democracy. But it's the right step towards realizing that goal.

Nothing unites a nation and diverts the attention of the people from abuses by its leader like a common enemy. Do we slam the door on 1.3 billion people and let Chinese leaders turn America into the villain? Economic adversaries too often evolve into military enemies, as the origins of World War II amply demonstrated. The hatred of 1.3 billion people is surely something to incur with great caution.

The bottom line is that America needs to have a seat at the negotiating table to push for further democratic and religious reforms in countries such as China. Shutting our doors and abandoning all that we've helped the Chinese people accomplish would make us part of the problem. Moreover, we have to recognize that even a U.S. embargo is not going put the Chinese out of business. Bringing China into the WTO makes them play by the same trade rules as the rest of the world, and this policy decision makes up part of the solution.

While moving forcefully to strengthen a trading partnership with China, America needs to send a strong signal that it will stand by historic allies and functioning democracies like Taiwan. We have strong moral obligations to preserve democracies. Admitting Taiwan to the WTO as well accomplishes that. This leaves open political issues for the future, such as finding ways to ensure that freedom and democracy survive and prosper in Taiwan while forging a stable environment as it works out its future relations with China.

Our case for greater trade, therefore, is less about money and much 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.

Obviously our key commitment is to helping American working families. That provides the most powerful argument for strengthening commercial ties with China by admitting China into the WTO. The agreement negotiated has its imperfections, but there is no question that it makes dramatic improvements in opening up domestic Chinese markets.

For example, China will now reduce subsidies on agricultural products, which allows opportunities for American-grown products such as wheat and apples to reach a gargantuan market to a degree never considered possible before. Especially in the framing communities of my home state of Washington, the prospect of increased access to a market of this magnitude has sparked new hope in households struggling to make ends meet.

Working families dependent upon manufacturing jobs also benefit. Thanks to last week's agreement China will be forced to cut tariffs on American goods an average of 23 percent and to protect, and to protect the excellence and innovation of U.S. software manufacturers against technological piracy.

Is it any surprise that hundreds of working families will gather next week in Seattle to

show their support for strengthening international trade? Not at all. Nor is it any surprise that some of our nation's most respected religious leaders, from Billy Graham to Pat Robertson, have called for keeping the door to China open. For when the Chinese trade with Americans, they are also exposed to the values of freedom and the healing message of the Gospel. And nothing is more important than that.

STATEMENT BY RELIGIOUS LEADERS IN SUPPORT OF PERMANENT NORMAL TRADE RELATIONS WITH CHINA

SEPTEMBER 5, 2000.

DEAR SENATOR, Soon you will be asked to vote on an issue that will set the course for U.S.-China relations for years to come: enacting Permanent Normal Trade Relations (PNTR) with China. Your vote will also have an impact on how human rights and religious freedom will advance for the people of China in the years ahead. We are writing to urge you to vote *for* PNTR for China because we believe that this is the best way to advance these concerns over the long term.

We share your concern for advancing human rights and religious freedom for the people of China. The findings of the recent report from the U.S. International Religious Freedom Committee are disturbing to us. Clearly, the Chinese government still has a long way to go.

The question for us all is: What can the U.S. government do that will best advance human rights and religious freedom for the people of China? Are conditions more likely to improve through isolation and containment or through opening trade, investment, and exchange between peoples?

Let us look first at what has already occurred within China over the past twenty years. The gradual opening of trade, investment, travel, and exchange between China and the rest of the world has led to significant, positive changes for human rights and religious freedom in China. We observe the following:

The number of international religious missions operating openly in China has grown rapidly in recent years. Today these groups provide educational, humanitarian, medical, and development assistance in communities across China.

Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country much more freely today than was even imaginable twenty years ago.

Today, people can communicate with each other and the outside world much more easily and with much less governmental interference through the tools of business and trade: telephones, cell phones, faxes, and e-mail.

On balance, foreign investment has introduced positive new labor practices into the Chinese workplace, stimulating growing aspirations for labor and human rights among Chinese workers.

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. The developing relationships between Chinese government officials, business managers, workers, professors, students, and people of faith and their foreign counterparts are reflected in the development of new laws, government policies, business and labor practices, personal freedom, and spiritual seeking. Further, the Chinese government is much more likely to develop the rule of law and observe international norms of behavior if it is recognized by the U.S. government as an equal, responsible partner within the community of nations.

The U.S. government and governments around the world have a continuing, important role to play in challenging one another through international forums to fully observe standards for human rights and religious freedom. However, we do not believe that the annual debate in the U.S. Congress, linking justifiable concern for human rights and religious freedom in China to the threat of unilateral U.S. trade sanctions, has been productive toward that end.

Change will not occur overnight in China. Nor can it be imposed from outside. Rather, change will occur gradually, and it will be inspired and shaped by the aspirations, culture, and history of the Chinese people. We on the outside can help advance religious freedom and human rights best through policies of normal trade, exchange and engagement for the mutual benefit of peoples of faith, scholars, workers, and businesses. Enacting permanent normal trade relations with China is the next, most important legislative step that Congress can take to help in this process.

Sincerely,

Organizations listed for identification purposes only.

Dr. Donald Argue, (Former President, National Association of Evangelicals, representing 27 million Christians in the United States of America).

John A. Buehrens, (Unitarian Universalist Association).

Bruce Birchard, (Friends General Conference).

Myrrl Byler, (China Education Exchange, Mennonite Church).

Reverend Richard W. Cain, ((Emeritus) President, Claremont School of Theology).

Ralph Covell, (Senior Professor of World Christianity, Denver Seminary).

Charles A. Davis, PhD, (The Evangelical Alliance Missions).

Father Robert F. Drinan, (Professor, Georgetown University Law Center; Member of Congress, 1971–1981).

Samuel E. Ericsson, (President, Advocates International, a faith-based global network of lawyers, judges, clergy, and national leaders reaching over 100 nations for justice, reconciliation, and ethics with offices on five continents).

Nancy Finneran, (Sisters of Loretto Community).

Brent Fulton, (President, ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in service to China).

Dr. Richard L. Hamm, (Christian Church (Disciples of Christ)).

Kevin M. Hardin, (University Language Services).

J. Daniel Harrison, (President, Leadership Development International).

Bob Heimburger, (Professor (Ret.), Indiana University).

Rev. Earnest W. Hummer, (President, China Outreach Ministries).

John Jamison, (Intercultural Exchange Network).

Rudolf Mak, Ph.D., (Director of Chinese Church Mobilization, OMF International).

Jim Nickel, (ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in service to China).

Don Reeves, (General Secretary (Interim), American Friends Service Committee).

Rabbi Arthur Schneier, D.D., (President, Appeal of Conscience Foundation).

Phil Schwab, (ChinaTeam International Services, Ltd.).

Dr. Stephen Steele, (Dawn Ministries).

Rev. Daniel B. Su, (Special Assistant to the President, China Outreach Ministries).

Bishop Melvin G. Talbert, (The United Methodist Church).

Dr. James H. Taylor III, (President, MSI Professional Services International).

Finn Torjesen, (Executive Director, Evergreen Family Friendship Service, a Christian, non-profit, public benefit organization working in China).

Joe Volk, (Executive Secretary, Friends Committee on National Legislation).

Rev. Dr. Daniel E. Weiss, (American Baptist Churches, USA).

Dr. Hans M. Wilhelm, (China Partner, an organization serving Church of China by training emerging young leaders).

Rev. Dr. Andrew Young, (President, National Council of Churches, former ambassador to the United Nations and member of Congress).

Danny Yu, (Christian Leadership Exchange).

MONTREAT, NC,
May 12, 2000.

Hon. DAVID DREIER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DREIER: Thank you for contacting me concerning the People's Republic of China. I have great respect for China's long and rich heritage, and I am grateful for the opportunities I have had to visit that great country. It has been a tremendous privilege to get to know many of its leaders and also to become familiar with the actual situation of religious believers in the P.R.C.

The current debate about establishing Permanent Normal Trade Relations with China raises many complex and difficult questions. I do not want to become involved in the political aspects of this issue. However, I continue to be in favor of strengthening our relationship with China. I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to treat it as an adversary. In my experience, nations can respond to friendship just as much as people do.

While I will not be releasing a formal public statement on the PNTR debate, please feel free to share my views with your colleagues. May God give you and all of your colleagues His wisdom as you debate this important issue.

Cordially yours,

BILLY GRAHAM.

THE CHRISTIAN
BROADCASTING NETWORK INC.,
Virginia Beach, VA, May 10, 2000.

Hon. JOSEPH R. PITTS,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN PITTS: My experience in dealing with Mainland China goes back to my first visit to that nation in 1979. Since that time, I have learned on subsequent visits that the progress of Mainland China in regard to economic development and the amelioration of the civil rights of its citizens has been dramatic.

I do not minimize the human rights abuses which take place in the People's Republic of 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.

The population of China is the largest in the world. My sources indicate that there are at least 80 million Chinese who are Christian believes, and tens of millions of Chinese are either practicing Buddhists or practicing Muslims.

Although the Chinese government may not comport itself in the same fashion as we in America would desire, nevertheless, I believe that the economic and structural reforms begun by Chairman Deng Xiaoping are irreversible and that little by little this vast land is moving toward a more prosperous society and more individual freedom.

If the US refuses to grant normal trading relations with the People's Republic of China, and if we significantly curtail the broad-based economic, education, social, and religious contacts that are being made between the US and China, we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.

Therefore, I would urge the Congress to pass legislation which would normalize the trading relations with the People's Republic of China without, in any way, diminishing the desire of the US to encourage the sanctity of human rights and the rule of law in that nation.

With best wishes, I remain . . .

Sincerely,

PAT ROBERTSON,
Chairman of the Board and Chief Executive Officer.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
Washington, DC, September 7, 2000.

Re Support permanent normal trade relations with China without amendment

DEAR SENATOR: Soon you will be asked to decide whether the enact Permanent Normal Trade Relations (PNTR) with China. We at the Friends Committee on National Legislation (FCNL) recommend that you vote for enacting PNTR with China (HR 4444) without amendment.

While we do not claim to represent all Friends (Quakers) on this challenging and complex issue, the governing body of FCNL is clear in its support for PNTR with china. This policy is fully consistent with FCNL's historic advocacy in opposition to Cold War policies of containment and in support of policies that further interdependence, cooperation, and the pacific resolution of disputes between countries through diplomacy between governments, and free trade, travel and exchange between peoples.

We share your concern for advancing human rights, religious freedom, labor rights, and environmental protection for the people of china. We are concerned about the impact of economic globalization on the standard of living and quality of life for workers both at home and abroad. We are also concerned about future cooperation and progress with the government of China in arms control, regional security, negotiations concerning the future of Taiwan, and the pacific settlement of disputes.

We believe that normalization of trade relations with china is an important step toward advancing all of these basic human security concerns over the long term. China experts note that dramatic changes have already occurred within China over the past two decades as a result of more open exchange between China and the rest of the world. Interactions between government officials businesses, universities, and individuals have led to a growing harmonization between Chinese institutions and their Western counterparts. This is reflected in the development of new laws, government policies, democratic institutions, business and labor practices, standards of behavior, and popular expectations.

This engagement has also helped indirectly to nurture movements for social change. The student movement behind the Tiananmen Square demonstrations, the growing house church and democracy movements, and the recent widespread nonviolent demonstrations by the Falun Gong reflect growing movements within Chinese society that are challenging the political status quo and expressing popular aspirations for human rights. These movements likely would not have developed or spread as quickly were it not for the opening of Chinese society to the outside world that has occurred over the past twenty years. Despite the oppressive government responses, it is unlikely that the Chinese government will be able to repress popular movements such as these for long—especially if china continues along the path of economic reform, development, and integration into the global economy.

Such engagement has led to progress with the Chinese government on several important international security issues, as well. Over the same twenty years, the Chinese government has signed and ratified the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention. It signed and awaits U.S. ratification of the Comprehensive Test Ban Treaty, and, since then, it has observed a nuclear testing moratorium. It has participated in the Asian-Pacific Economic Cooperation Forum in ways that have built confidence and diminished regional tensions.

It is far more likely that the Chinese government will cooperate in these areas in the future and observe international norms of behavior if it is recognized by the U.S. as an equal partner within the community of nations than if it is isolated or excluded. Granting PNTR would encourage continued progress and cooperation in all of these areas of concern. Conversely, denying PNTR and further isolating China would likely close many of these opportunities, lead to increased oppression within China, and undermine regional and international security.

Please vote to enact PNTR with China without amendment. This is the next, most important legislative step that you can take to further positive relations between the peoples and governments of the U.S. and China.

Sincerely,

JOE VOLK,
Executive Secretary.

Mr. GORTON. Mr. President, for the past eight years, the responsibility to extend annual trade status to the People's Republic of China, PRC, has been shouldered entirely by the U.S. House of Representatives. Even though the United States Senate has eluded the duty of debating and deciding upon this significant issue, not one year has gone by when the subject matter hasn't weighed heavily on my mind.

If one year ago you had questioned any number of business or trade entities in Washington state my position on the prospect of extending Permanent Normal Trade Relations, PNTR, to China, I can almost guarantee you would have received a non-committal response. For years I have questioned China's commitment to free trade with the United States, and have been critical of the notion that the U.S. continue a relationship of ''engagement'' with the PRC. Couple these concerns with allegations of espionage, nuclear non-proliferation, questionable campaign contributions and influence, human rights abuses, persecution of religious freedom, and the treatment of the one true Chinese democracy, Taiwan, and one might challenge the notion that China receive such significant trading status from the United States. Mr. President, these issues have played a significant role in my criticism of our relationship with China, and therefore maintained an elevated status as I reviewed the prospect of voting on PNTR.

When I made my final decision regarding China's trade status, the mere simplicity of the issue suggested a rationale and consideration based solely on trade ramifications and WTO accession procedures alone. China's accession to the World Trade Organization is forthcoming, it's a fact, it's a reality, and it will happen. If the United States does not grant PNTR to China, the PRC will gain its ambitiously sought seat in the WTO, and the United States will lose all the benefits of trade with the more than 1.2 billion inhabitants of China. If Congress does not pass PNTR, the U.S-China trade deal that was 14 years in the making will be considered null and void, and every other member of the World Trade Organization will have access to the world's third largest economy. The potential loss of trade to the United States, and to the State of Washington, is too significant to ignore.

If the simplicity of the PRC's accession to the WTO was not enough to force me to reconsider my stance on trade with China, the details of the bilateral U.S.-China trade agreement helped secure my final decision to support PNTR. While I have long been critical of the Clinton-Gore Administration's policy with respect to China, the agreement brokered and finalized by U.S. Trade Representative Charlene Barshefsky is uncomparable.

By granting PNTR to China, the U.S. stands to benefit from a wide array of trade issues. While the United States retains our valuable trading leverage in the bilateral agreement and will gain access to a once heavily guarded market, China is forced to amend its market strategy and alter its trading exercises in favor of practices that embrace free market principles. When and if China alters its trading practices, it's clear the U.S. has everything to gain.

When formulating my decision to support PNTR, it was necessary that I review and concur with those terms stated in the bilateral agreement. If the terms were ever called into question by U.S. industry, manufacturers, agriculture, the service sector, or the

high tech industry, I would seriously reconsider my position.

However, not one of the aforementioned industries in the State of Washington outlined an objection to trade with China. According to the World Bank, China will have to expand infrastructure by $750 billion in the next 10 years. Washington companies like Boeing, Paacar, and Mircosoft are prepared to fill their needs. Service sector companies like Eddie Bauer, Starbucks, and Nordstrom will step up to fill consumer demands. Not to mention, agriculture can finally attempt to penetrate the Chinese market that has for so long eluded our commodities. From the lush orchards of Central Washington to the rolling wheat fields of the Palouse, agriculture in Washington state is prepared and stands ready to benefit from the access to the 1.2 billion consumers in China.

While it was fascinating to me that so many varying industries and retail companies support PNTR and trade with China, the mere numbers and degree of tariff reduction contained in the bilateral agreement persuaded me most.

For example, the U.S. agriculture products that once faced enormous trade barriers and sanitary and phytosanitary restrictions, will receive a reduction of tariffs on average from 31.5 percent to 14.5 percent. Access for bulk commodities will be expanded, and for the first time ever China will permit agriculture trade between private parties.

What does this mean for Washington state agriculture? For the first time in over 20 years, China has finally agreed to lift the ominous and ridiculous phytosanitary trade barrier Washington wheat growers have learned to hate—TCK smut. As a result of this trade agreement, Chinese officials traveled to Washington state this spring and secured a tender for 50,000 metric tons of Pacific Northwest wheat. While this purchase is nominal, and represents a figure that I will press to increase, the elimination of export subsidies on wheat has already enhanced the expansion of markets wheat growers desire.

For some of our most precious and high value commodities such as apples and pears, tariffs will be reduced from 30 percent to 10 percent. Frozen hash browns, the pride of the Columbia Basin, will receive tariff reductions from 25 percent to 13 percent. Tariffs on cheese will plummet by 38 percent; grapes by 27 percent; cherries and peaches by 20 percent; potato chips by 10 percent; and beef by 33 percent. All of these commodities represent a significant portion of the Washington state agriculture industry, and at a time when new markets are difficult to come by, news of China's tariff reduction promises resulted in waves of support for PNTR by farmers.

Washington state agriculture is not the only sector to gain access to China's market. As a matter of fact in 1998, direct exports from Washington to China totaled $3.6 billion, more than double the exports in 1996. Of that figure, 91 percent represented transportation equipment, namely aircraft and aircraft parts.

The Boeing Company maintains 67 percent of China's market for commercial aircraft. Boeing anticipates that over the next 20 years, nearly one million jobs will be related to Boeing sales to China. Over the next 10 years, China is expected to purchase 700 airplanes worth $45 billion. Recognizing Boeing's significant contribution to the Puget Sound region and the State of Washington, it's no wonder one of the major labor unions that builds these airplanes supports PNTR.

So many people automatically equate transportation jobs directly with Boeing, but the aerospace and commercial airline industry is also supported by thousands of additional employees that contract and subcontract with the nation's only airline supplier. These contractors in Washington and all across the nation also stand to benefit from trade with China.

While the agriculture and manufacturing industries in Washington stand to gain, the high-tech, service sector and forest product industries also will benefit from liberalized market access. China has agreed to zero tariffs on computers and equipment, telecommunications equipment, and information technology. Tariffs on wood will decrease 7 percent, and paper by 17 percent. In addition, fish products tariffs will drop by 10 percent.

Washington's geographic proximity to China automatically benefits the service sector, the ports, and transportation infrastructure. Banking, securities, insurance, travel, tourism, and professional services such as accounting, engineering, and medical needs will all gain access to China's market. Knowing the ambitious and adventurous nature of many Washingtonians in these fields, I can imagine many State of Washington subsidiaries could find a home in China.

While all these tariff reductions and trade liberalization efforts look good on paper, there are also several mechanisms built into the bilateral agreement to address trade and import concerns. Two of the most significant items negotiated by the United States were the import surge mechanism and the anti-dumping provisions. Both these provisions were considered ''deal breakers'' by American negotiators. Had they not been included, the U.S. would have walked away from the negotiating table.

The import surge mechanism will remain in place for 12 years following China's accession to the WTO, and can be used in response to potential import disruptions by China. The anti-dumping provision will remain for 15 years and will be used by the U.S. should an influx of Chinese products flood our market.

The efficacy of the anti-dumping mechanism is evidenced by the case the U.S. apple industry filed and won against China. Citing an excessive increase of apple juice concentrate, the U.S. industry filed an anti-dumping case with the International Trade Commission, ITC, just last year. After the U.S. Department of Commerce and the ITC agreed that the U.S. industry had been harmed, the price for juice apples in the U.S. increased from $10 per ton back to the normal $130 per ton. This case was significant as it exemplified the United States' ability to appropriately deal with Chinese dumping practices, and it concluded that the U.S. has an appropriate and workable mechanism to address the issue of import surges.

While the aforementioned specifics about the bilateral trade agreement speak volumes to our trade dependent friends at home in Washington, when all is said and done, when all the tariffs are reduced and markets are liberalized, major questions will still remain. Will China become the trading partner that the U.S. hopes and desires? Will the PRC adhere to those details so cautiously and ambitiously sought? Will the U.S. market benefit from the buying power of China's 1.2 billion consumers? While I might not remain as optimistic about trade with China as some of my counterparts or those in the U.S. trade industry, one fact will remain constant. With the passage of PNTR and China's eventual accession to the World Trade Organization, leaders in Beijing will have to begin complying by international trade rules and restrictions or face the wrath of its new trading partners. These partners will include the United States and all of our allies.

Of the other questions that still remain regarding human rights, religious freedom, non-proliferation, allegations of espionage, and the treatment of Taiwan, one can only hope that the eventual promises and attractiveness of democracy and free market principles will be embraced by those who encounter it for the first time. One hopes that eventually, Falun Gong practitioners will be able to practice their faith in public. One hopes that eventually the weight of internationalism, globalization and trade will move Beijing away from theories and military practices that could bring harm to their trading partners. One hopes that eventually workers will perform in a less oppressive regime. One hopes that China will one day accept Taiwan as an independent nation. One hopes.

Because I have remained vigilant about my criticism of China, I endure to continue my close watch over

United States interests and national security. Because I unconditionally support Taiwan and that country's efforts to embrace freedom and democracy, I will forevermore remain their champion. While I believe that democracy will eventually reign true, I will continue to raise concerns regarding human rights, religious freedom, and the United States relationship with China on all fronts.

I will vote for PNTR not because I am comfortable with the thought that China will adhere to all the details in the bilateral agreement, or the prospect that they will become exceptional trading partners overnight, but I support the men and women from the most trade dependent state in the nation who have urged its successful passage.

Whatever the course of our relationship with China takes over the coming years, I assure Washingtonians that I will be scrutinizing the reactions of Beijing very closely. I will continue to engage in a dialogue with all interested parties to ensure that Washington benefits from these new trade practices. I will work to ensure that American interests and national security weigh heavy on the minds of our negotiators and the next Administration. Because this vote is unmistakably one of the most significant trade votes the Senate has cast in recent years, I assure my constituents that I will keep their interests at heart.

Whatever it takes.

Mr. SESSIONS. Mr. President, I have decided to vote in favor of China PNTR because I believe this action will continue our policy of engagement with the Chinese government and increase the likelihood that our nation will have better relations with China in the years to come. The other option was to act on the assumption that China will become more hostile to the United States and that we must try to seal it off, which will not work.

This decision is a further step down the road that was begun by President Nixon in 1972 when he concluded it was better to have relations with China than to shut it off. Since then there have been many difficulties, but on the whole, I believe the relationship has been better than it would have been otherwise.

We now maintain military superiority over China and it is critical that it continue. I do not believe that it is inevitable that our future will be shaped by hostile relations with China. If we are strong and maintain our military, the chance of avoiding potential future hostilities will be improved. Such a vision is what wise leadership is all about.

I am not certain how best to improve the conditions of Christians and other religious people in China. I do recall, however, that when Rome changed from persecuting the early Christians to making Christianity the official religion of the empire, the change came about because of a change of heart and not as a result of a threat from an outside military power.

I was very impressed with the testimony of Ned Graham, son of the Rev. Billy Graham, who aids Christians in China and who has visited the country over forty times and distributed over two million Bibles to unlicensed Christians. He testified before the Senate Finance Committee. In his summation he stated that a vote for PNTR would encourage China's engagement with the world, increase the availability of computer technology to its citizens, accelerate its development of a rule of law, allow for increased contact between U.S. and Chinese citizens, and ultimately lead to positive changes in its religious policy. He concluded that most importantly ''this action will help diminish the negative perceptions that exist between our two great countries.'' While we, as humans, can never know the future, I am persuaded by his remarks. Generosity of spirit and forbearance founded on strength are the qualities of a great nation.

On the level of trade, I believe that my state of Alabama will be able to sell more products in China because of the significant reductions in the tariffs China has imposed on imported American goods. This increased trade will benefit Alabama's farmers, timber industry and much of our manufacturing. It can benefit our transportation system, including the Port of Mobile.

While I think it will increase our exports, I cannot conclude that this agreement is going to help our overall balance of trade deficit, at least not in the short run. While China has a significant wage advantage in its manufacturing, it has a shortage of many natural resources, lacks technology, has a very poor infrastructure and is burdened by corruption and a lack of a rule of law which protects liberties and property interests. In addition, it continues to hold on to the form of communism, an ideology of incalculable destructive power. These problems will burden them for years to come and will take many generations to eliminate.

The key to the success of this agreement will be vigorous, determined and sustained leadership by the United States to ensure that China complies with this agreement and the WTO rules. China's tendency has been to cut corners and not live up to its obligations under agreements. In my view, China must come to see that its interests and those of its trading partners will be advanced by following these trading rules. Unfortunately, China seems to be obsessed with exporting and not importing. The truth is China and her people will benefit from having the opportunity to buy quality food and products from around the world. They must come to recognize that fact.

This issue is very complex and no one can see into the future with a crystal ball, but my analysis and judgement tells me it is time to step out in a positive way, and to take the lead in reducing some of the suspicions and misperceptions that have grown in recent years between our two nations.

Since I believe that increased economic activity between our two countries is not likely to assist China in strengthening its military in any substantial way, regardless of legislation, I see the positive aspects of this legislation outweighing the negative. We must, however, make clear to China that we intend to defend our just interests and those of our allies around the world, and that we will not abandon our ally and friend, the Democratically elected government of Taiwan. We also need to remain especially vigilant to protect our military secrets and technological advantage. I was therefore disappointed that the amendment offered by Senator FRED THOMPSON did not pass. We must make crystal clear to our business community that we will not tolerate transfer of our military technology to China. While I favored a number of the amendments that have been offered to this legislation, and was disappointed they did not pass, I am appreciative of the quality of the debate that has surrounded this issue.

China has 1.2 billion people, the most populous country on this globe. Their people are talented and hardworking. Our vote today should enhance our economic and political relationships.

Mr. EDWARDS. Mr. President I rise today in support of H.R. 4444, which would grant Permanent Normal Trade Relations to China. I do so only after long and careful consideration of this proposal.

I believe that granting permanent normal trade relations with China is the right thing to do. It will significantly alter our nation's relations with China. Trade between U.S. companies and the Chinese will likely explode in the coming years—generating jobs and revenues in this country. It could easily be the keystone in the continuing prosperity of this nation. And it could be the vital catalyst for democracy and a free-market system in China.

During the last few months as I have traveled through North Carolina and met with my constituents, I have heard from hundreds of men and women who believe that their future prosperity and their jobs turn upon this vote. Many of them eagerly support this legislation.

I believe that North Carolina workers can compete with anyone and win. This bill opens a world of opportunity to North Carolina businesses and workers. The farmer, the high- tech worker, the furniture manufacturer, the factory worker, and the banker all will get a real chance to capture a part of the Chinese market.

The farmer who is working so hard and struggling believes that China's

agricultural market will be opened. For example, China already imports 12 percent of its poultry meat. If China joins the WTO, it will cut its poultry tariffs in half and accept all poultry meat that is certified wholesome by the USDA. A similar situation holds for pork and tobacco products. China's agreement to lower its tariffs, to eliminate quotas, and to defer to U.S. health standards provides North Carolina farmers with real opportunity.

The high- tech worker who is producing software or fiber optics cable will also benefit. China has agreed to eliminate its duties on these products in the next few years and has agreed to eliminate many of its purchase and distribution rules that inhibit sales of U.S. products.

Meanwhile, tariffs on furniture will be eliminated. Tariffs on heavy machinery will be reduced by nearly one half. Banks and insurance companies will be able to do business with the Chinese people without arbitrary restrictions. The list goes on.

As U.S. goods and services flow into China and as our engagement grows, the opportunity for real change in China grows. We are all aware that China has a long way to go in improving its record on human rights, religious liberty, environmental protection and labor rights. The abuses in that nation are serious. And I am committed to continued efforts to end those abuses. As American ideas, goods, and businesses surge into China, I believe China's record will improve.

But I am mindful that globalization and this bill in particular may have a real downside. As a Senator from North Carolina, I am well-positioned to see both the enormous benefits and the large costs of this measure.

Textile and apparel workers, many of whom live in North Carolina, face real challenges as a result of this measure. While in almost every respect the agreement with China benefits our country, textiles is the major exception. As a result of joining WTO, quotas on Chinese textiles and apparel will be eliminated in 2005. As a result, Chinese apparel will flow into the United States. By and large, the Chinese imports will likely displace imports from other countries. However, there is no doubt that an additional burden will be placed on the textile industry. To be sure, the industry can try to protect itself through the anti-surge mechanism put in place by this legislation. Yet it does us no good to pretend that these remedies are perfect and that people will not be hurt. I know that textile workers will work their hearts out competing with the Chinese. I know these people; I grew up with them. When I was in college, I worked a summer job in a textile mill. My father spent his life working in mills. The impact of PNTR on them is personal to me. Dealing with the impact of this bill on them will always be a top priority for me. And I will fight throughout my career to protect them.

Mr. President, China's entry into the World Trade Organization and its attainment of permanent normal trade relations with America is not without its risks. No one can predict with certainty that China will live up to its commitments. I vote for this bill because I believe that we must turn our face toward the future. But we must be mindful of the risks. So I warn that I will monitor China's compliance with its agreements like a hawk. If they renege, I will lead the charge to force them to live up to their obligations.

But to vote against this measure—to deny PNTR—not only fails to accomplish anything productive but also denies us enormous opportunities. We cannot hide our heads in the sand. China will join the WTO. The Senate has no impact on that decision. The only question we face is whether the U.S. will grant China permanent normal trade relations or whether it will fall out of compliance with its WTO obligations. If we fall out of compliance, the U.S. will be denied the Chinese tariff reductions and rule changes, while every other country in the world takes advantage of the Chinese concessions. We must decide whether the U.S. will be able to compete with other countries—Germany, France, Japan—as they enter the Chinese market. American companies and workers deserve the right to enter those markets. On balance, I believe that China's admission into the World Trade Organization and its attainment of permanent normal trading relations is for the good.

And so I vote for this legislation, mindful of the risks, prepared to watch the results carefully and optimistic about the future.

Mr. SANTORUM. Mr. President, the Senate is completing a historic vote on the U.S.-China Relations Act of 2000, H.R. 4444, which grants permanent normal trade relations, PNTR, status to the People's Republic of China. Realizing that many Pennsylvanians have expressed very strong feelings on both sides of this issue, I would like to take a moment to discuss my reasons for supporting this measure.

First, it is important to understand what normal trade relations, NTR, is. Since 1980, the United States has granted China NTR status every year, subject to an annual review. ''Normal trade relations'', NTR, is the tariff treatment the U.S. grants to its trading partners. All but a select few countries receive this trade status. NTR simply means that products from a foreign country receive the same relatively lower tariff rates as our other trading partners enjoy. The lower tariff rates result from years of negotiations and various trade agreements in which the U.S. reduces its duties on imports, in exchange for reduced rates on its own products. NTR lowers tariff rates, but does not eliminate them altogether. In this way, NTR substantially differs from a free trade agreement. Free trade agreements, such as NAFTA, set dates by which all tariffs among the member countries will be eliminated. I would also note that certain countries receive even lower tariffs than NTR affords through ''preferential'' tariff status.

The U.S.-China Relations Act ends the annual renewal process for China's trade status by extending permanent normal trade relations, PNTR, to China. The Act becomes effective when China is officially accepted as a member of the World Trade Organization, WTO. Upon China's accession to the WTO, a trade agreement negotiated between the Clinton Administration and China will also become effective. In exchange for PNTR, China has agreed to unprecedented tariff reductions and market-oriented reforms. The U.S. is not required to reduce our tariffs or to make any commitments, other than extension of PNTR. We also preserve the right to withdraw market access for China in a national security emergency. China, however, has committed to specific trade concessions by certain dates. Thus, the terms of this agreement are clear and enforceable. If China violates its agreements, the U.S. will be able to respond quickly and definitively.

I supported H.R. 4444 because without Congressional approval of PNTR status for China, the U.S. would not benefit from the concessions China agreed to in the bilateral trade deal. These concessions, which open the Chinese market to American goods and services, will benefit Pennsylvania's farmers, industries and workers. Likewise, I believe that engagement in a rules-based system of trade will help foster political and personal freedom, as well as economic opportunity, for China's citizens.

Mr. President, China is now the third largest economy in the world. The bilateral trade agreement pries open this historically closed market for Pennsylvania's products and services, especially in the agriculture, technology, banking, insurance, and manufacturing sectors. According to the U.S. Department of Commerce, Pennsylvania exports a wide range of products to China. Pennsylvania, as a major exporter of beef, pork, poultry, feed grains, and dairy products, will see average agriculture tariffs cut by more than half by January 2004. China must also eliminate its agriculture export subsidies and reduce domestic subsidies. Industrial tariffs on U.S. exports to China will be cut by more than half by 2005. Furthermore, China must eliminate quotas. Within three years, Pennsylvania companies and farmers will have full trading rights to import, export, and distribute their products

directly to Chinese customers. Tariffs on chemical products, automobiles, and steel exported to China will also be cut from their present rates. And of course, it is important to note the strength of Pennsylvania's workers in these industries. The bilateral agreement takes the first steps in leveling the playing field for Pennsylvanians to compete in an emerging international market.

I am also pleased to say that small and medium sized businesses will benefit under the bilateral agreement. Most companies that are currently exporting to China are small and medium sized enterprises, SMEs. Nationally, 82 percent of all firms exporting to China were SMEs. Of all Pennsylvania's companies exporting products to China, 63 percent are SMEs.

Despite the benefits of our trade agreement, I am mindful of sincere opposition to granting PNTR to China on the basis of its human rights record. Under H.R. 4444, the United States will no longer condition China's trade status upon an annual review of ''freedom of emigration'' practices. This does not mean that the U.S. will stop pressuring China to allow its citizens to leave the country, if they choose to do so, nor does it mean that the U.S. will stop monitoring the widespread human rights violations in China. Rather, H.R. 4444 establishes a special Congressional-Executive Commission to monitor human rights abuses in China and to recommend appropriate remedies to the President and Congress. I realize that the Commission, PNTR, and even eventual WTO accession will not immediately bring about change in China; however, I believe that further engagement and economic reforms will lead to greater political and personal freedom for Chinese citizens. Isolating China serves only to strengthen the hand of hard-line communists who would continue to oppress the Chinese people. Many religious leaders share this view, including some pastors of Chinese house churches who have been jailed for their beliefs.

Another concern that I have taken very seriously is the potential impact on American workers. I have studied both the bilateral trade agreement and this legislation very carefully. Basically, the Chinese receive the same NTR tariff rates they have received for the past 20 years. In return, we get lower tariffs for our exports to China, new market access in distributing our products within China, and elimination of trade barriers for U.S. goods and services in the Chinese market. In other words, China essentially gets the status quo, while we get new benefits and substantial concessions from the Chinese. The U.S. fully preserves its anti-dumping and countervailing duty laws, which protect our industries and workers against unfairly traded Chinese imports. I would also note that H.R. 4444 provides even stronger protection from harmful Chinese import surges than current U.S. trade law allows. Furthermore, H.R. 4444 creates a government task force to prevent products made from Chinese prison labor from being imported into the U.S. With these protections in place and with effective enforcement, I believe that American workers can compete against anyone else in the world. American workers are, after all, the world's most productive.

I would also like to address the difference between granting PNTR to China and WTO accession. Congress has voted to extend PNTR to China; however, Congress has no vote on China's accession to the WTO. WTO accession is a four-step process. First, the applicant must present its trade and economic policies to a Working Party of all interested WTO countries. While these general multilateral negotiations take place, separate negotiations take place between the applicant and individual WTO countries, including the United States. These bilateral negotiations establish specific market access commitments and tariff rates. When both of these steps are completed, the Working Party drafts the terms of membership. Finally, the complete package is presented to the WTO Ministerial Conference for approval. The result of not extending PNTR would have been to deny U.S. farmers, manufacturers, banks, insurance firms, and their employees access to the Chinese market as promised in the bilateral trade agreement. Also, the U.S. would have been unable to avail itself of multilateral dispute settlement procedures in the WTO if further trade disputes with China arise.

Finally, I would like to assure Pennsylvanians that my vote on PNTR does not lessen my resolve to fight for fair trade in any way. Even after China joins the WTO, I will continue to monitor their adherence to the bilateral trade agreement. H.R. 4444 requires the United States Trade Representative, USTR, to issue a yearly report on China's compliance with its WTO obligations. I will follow these reports closely. In the meantime, I will continue to vigorously fight for stronger trade laws to protect U.S. workers and producers from unfairly traded foreign imports. For example, just last Friday, I testified at the International Trade Commission to oppose revocation of the antidumping and countervailing duty orders on various foreign steel imports.

I hope this clarifies the reasons I am supporting the U.S.-China Relations Act of 2000.

Mr. ROCKEFELLER. Mr. President, many of us have struggled for months to decide what is the right vote on China PNTR—the right vote for our individual states, the right vote for the Nation. I certainly have, as I have tried to grasp what effect PNTR with China might have on my state of West Virginia.

Over the last few months I've taken some time to listen and to talk with people in my state, to review where we are in West Virginia under the current trading system. I've tried to assess if West Virginia will be helped or disadvantaged if the Congress rejects PNTR. That is what I care about more than anything.

It is well known that West Virginia is a long way from enjoying the full benefits of the economic boom that we hear so much about. Unemployment remains over 5 percent, stuck stubbornly far above the national average. Our per capita income is $19,362, 49th among the states. Far too many of our working poor require food stamps, and far too many remain uninsured. And while I will fight every day to bring more and better jobs to West Virginia, the fact remains that we are a long way from providing the economic opportunities for the thousands of West Virginians who want to improve their lives, or are just struggling to survive from day to day.

There are many complex reasons that my state lags behind the nation economically. But one significant reason—which I believe with all of my heart and which I cannot ignore—is the simple fact that our current international trading system is simply not working for the people of West Virginia. The status quo is not working for West Virginia, neither for its workers nor for its industries.

We are just not being fairly treated under the current rules. Witness the struggle we have faced to protect our critical steel industry. Cheap and illegal imports began flooding the U.S. market in late 1997. A full two years passed before the first trade cases were resolved and the domestic industry got any relief and remedy. In those two years, six steel producers went bankrupt. Thousands were laid off. The impact on those companies, their employees, and the steel communities was devastating. And that is why I introduced fair trade legislation that would give our steel industry a fairer chance to prevent illegal steel dumping in the future. The status quo, our current unfair trade laws, were not working for West Virginia.

We in West Virginia are not being protected by the current trading rules. They are causing us to lose ground, lose jobs, and lose industries. I love my state too much to allow this to continue without fighting in every way I know to make it better. I will not vote to continue the current rules. I will not vote to maintain the status quo.

A vote in favor of PNTR for China will allow us to deal specifically with China on steel. For example, under today's unfair trade laws, the President must take uniform action against all countries that are dumping their imports on our market. Under current law and the status quo, the United States

cannot single out one country for a tough remedy. Under the bilateral's antisurge provisions, we could address an influx of imports from China specifically. That is just one example, there are a few other provisions of the bilateral that could also work to, in essence, strengthen our ability to guard against Chinese steel disrupting our market.

West Virginia's chemical industry will benefit greatly from the tariff reduction that will come from passing PNTR legislation. The chemical industry is the largest industrial employer in West Virginia with an average salary of $51,000. During this debate, I heard from all of our chemical companies about the potential they have to increase their exports to China once this agreement goes into effect. Companies like DuPont who wrote me recently with the following: ''DuPont currently exports to China almost $16 million of products from our plants in West Virginia, and we see those exports increasing as the Chinese economy grows. West Virginia is, in fact, the second leading exporter to China, surpassed only by Texas, among DuPont operations nationwide. West Virginia exports will drop to zero, however, if Congress does not enact PNTR legislation—because China will keep its tariffs high for U.S. exporters while lowering its tariffs for all other members' nations of WTO. Enactment of this legislation is, therefore, extremely important to DuPont and to our 3500 employees in West Virginia.''

It also means that as a part of the international trading regime, China will have to deal with 131 other trading partners who all will be incredibly vigilant to ensure that China is playing by the rules. It will not be a perfect system, but it will be a much better system.

So I say, Mr. President, when you have the opportunity to do trade and business with 1.2 billion people, to engage them with the world as we do today, to change the status quo that is not working for West Virginia, then you must do what is right. It's even more important when your state ranks 4th among all 50 states in percentage of products made that are exported abroad. That is why I will vote today to approve Permanent Normal Trade Relations with China.

To be clear, the vote we take today is not about China entering the WTO. Others have said this, but it bears repeating over and over. The American people must understand this: China will enter the WTO no matter what the Congress does.

So, the sole question we must answer is, what will the impact be if the Congress rejects PNTR? Has this annual review of our trading relationship with China had the impact we had hoped it would, and what will be the effect of rejecting PNTR on West Virginia and all the United States?

First, as to the impact on China.

I do not accept, indeed, I abhor, the unfair and sometimes inhumane conditions faced by the people of that largest of the world's countries. I have spent a considerable amount of time in that part of the world and I know conditions there are unacceptable. All people who love freedom decry the violations of people's rights in China. As the leader of the free world, America must acknowledge its responsibility to do all in our power to better China's treatment of its people.

I also believe we should encourage nations like China, where fast-growing economies will increase both energy demand and greenhouse gas emissions, to use the cleanest technologies available. In fact, I view PNTR as the best means of introducing these mostly-American technologies, some of the most cutting-edge of which were developed in West Virginia, to the Chinese energy sector.

At the same time, I cannot say that the Congress' annual review of China has had any impact on China whatsoever—and we are just kidding ourselves if we think denying China PNTR now will improve labor or human rights. The annual PNTR review was supposed to provide us with some leverage to improve the conditions in China. But in reality, it has become mostly a feel-good, rubber stamp process here in the Congress that has no impact. Neither wages nor working conditions nor environmental safeguards have been advanced because we go through the annual charade of PNTR. I wish this were not true; the world experience says it is.

What will improve labor and human rights in China, in my view, is our working to bring China into a world living under law, acting to bring China into a fairer trading system without its restrictive tariffs and other barriers, and fighting to force China to deal in the world of nations under fairer rules, not just its own rules. Fighting to make China play by the rules—that's a fight I'm willing to make!

So I turn then to my second question: Will our country and my state be disadvantaged if we reject PNTR?

To that there is only one answer—I am convinced we, my state, my country, will be harmed if PNTR is rejected. No one else.

Remember, China will enter the WTO no matter how the Congress votes on PNTR. When that happens, and if we reject PNTR, all other WTO nations will have the upper hand, and all of our trading partners will benefit from lower tariffs and greater access to the world's largest market. Other nations will have all of the advantages in doing business there. Our workers, our industries, our farmers—all will have lost this new opportunity to gain fairer access to the largest of the world's untapped economies. Why would we want to squander that opportunity?

Rejecting PNTR means we lose—America loses—the many important concessions that were won last year in our government's negotiations with China. All will be lost, including unprecedented concessions that will give U.S. industries the upper hand in cases where the fairness of China's trading practices is in question. The bilateral agreement provides a twelve year product specific safeguard that ensures that the U.S. can take action on China if imports from that country cause market disruptions here in America. China has also agreed to grant U.S. industries the right to apply non-market methodology in anti-dumping cases for the next 15 years. This is a major boon for U.S. industries suffering from injury caused by unfair and illegal imports. China makes other concessions as well, which make it easier for businesses in this country to prove countervailing duty cases against China.

These new provisions could be used to help companies, like Portec Rail, in Huntington, West Virginia, who may have been harmed from dumping of Chinese steel rail joints. It seems to me that companies like Portec Rail might be early beneficiaries of these stronger import surge provisions.

Let me be clear, these provisions improve the status quo. They are stronger than our current unfair trade laws. Under the new agreement, China will finally be required to greatly lower its barriers to our trade there. China makes all the concessions. We have nothing to gain—and everything to lose—by rejecting PNTR.

And lose we will. What would be the likelihood of Chinese retaliation if we reject PNTR? There is little doubt in my mind that China would retaliate against U.S. economic interests. On a purely political level, it would bolster China's hardline forces of party control and state enterprise. And this could destabilize an area of the world that I care deeply about, the Taiwan Straits. I have spent a large part of my time working on the cross Straits issue between China and Taiwan. I want to see peace in that region. I want to see Taiwan join the WTO. But, rejection of this deal could have real dangerous consequences for Taiwan. China is simply too unpredictable, and could paralyze our efforts to promote peace and economic stability in Asia and around the globe.

Mr. President, of course we need to be vigilant and tough with China as we take advantage of this new economic opportunity. I fully realize that China has generally gone about its trading business however it saw fit, doing whatever it wanted and barring most competition. That cannot continue, and that is exactly why I believe we must bring China into and under the scrutiny of the WTO. We must make China play by a fairer set of rules, which means bringing them into a

trading system governed by rules that we have helped create. And rules that we can enforce.

Mr. President, this is an opportunity for America that I am willing to fight for.

Mr. KOHL. Mr. President, I am pleased that the Senate has been able to pass, after extended debate, H.R. 4444 which will make Normal Trade Relations with China permanent. After over twenty years of yearly extensions of Most Favored Nation trading status, we are now going to stabilize our trading relations with the Chinese. This is a step forward for the United States, China, and our citizens.

I believe in trade as a liberalizing force. A country cannot accept our goods and services and not be exposed to our ideas and values. One has only to look around the Pacific to see countries that have made the move from dictatorship to democracy and see their focus on trade to understand the connection. South Korea, Taiwan, and Indonesia have all made steps toward greater democracy and all three have been engines for economic growth in the region. As capitalism penetrates Chinese society, the push for greater democracy will inexorably follow.

Increased trade and investment between our countries will separate Chinese workers from dependence on state owned enterprises. Currently Chinese workers depend on the state for almost everything including their jobs and paychecks. Once workers have a choice between working for the government and for private business, and can break their dependency on the state, the push for greater democracy will only increase.

Trade will also serve as a valuable tool for exchanges between our countries as a more personal form of diplomacy. As business people travel back and forth, as workers meet Americans, as the Chinese people have more exposure to our country through the media and the internet, the people of China will develop there own attitudes about Westerners, capitalism, and democracy.

The World Trade Organization will bring China the prestige and respect it craves, but at a price. As a member, China will be treated like any other member of the international community, and not like an outcast or rogue. The members of the WTO, however, will not let themselves be taken advantage of in trade matters. During this debate I have heard many members talk about the advantage of multilateral sanctions over unilateral ones. The WTO offers members an excellent mechanism to propound and enforce multilateral sanctions, forcing China's compliance on trade issues.

While the agreement that the Administration negotiated in the fall of 1999 is not perfect, it significantly equalizes the terms of trade between our countries. Not only did we convince the Chinese to drastically reduce their tariffs on everything from auto parts to ice cream, we also negotiated to keep our anti-dumping and import surge laws. On our side, we gave up nothing in exchange. We did not allow any additional access to our markets or lower our tariffs. It was a one way deal—a deal that U.S. farmers and workers benefit from. People may be concerned about Chinese imports into the United States, but this agreement does not alter China's access to our markets one bit. On our side of the Pacific, nothing will change.

Some of my colleagues were disappointed that workers' rights provisions were not provided for in this agreement. I share their concern that China does not share our belief in the importance of respecting working people. I believe that Senator HELMS had an excellent proposal for raising the working conditions in China, while protecting the reputations of U.S. businesses that operate in China. His amendment to create a voluntary Code of Conduct for U.S. businesses in China would go a long way in protecting Chinese workers. By agreeing to respect certain rights to organize, to earn a decent wage, and to work in a safe environment, Chinese workers would learn the benefits of American style capitalism. This would also protect U.S. companies from being accused of abusing foreign workers for economic gain. We all know the public relations albatross around the neck of companies that moved to third world countries and thought they did not have a responsibility to meet Western standards of worker protection. We all know the names of companies who have operations in Vietnam, Indonesia, and Central America that have been brought under harsh scrutiny when the public finds out what the conditions are in these factories. Senator HELMS's amendment provided an opportunity for companies to avoid this negative publicity by agreeing openly that certain principals will always be respected, regardless of whether the factory is in China or the United States.

As we focus on expanding economic ties with China, we must consider our decision to grant PNTR in the context of our broader foreign policy relationship with China. I count myself among those who support PNTR in the hope that expanded trade with China will result in a more open Chinese society. To that end, we must be persistent in pressing the Chinese to demonstrate respect for human rights. Since the May 1999 suspension of the bilateral dialogue on Chinese human rights we have continued to convey our concerns to the Chinese about their repressive policies. Their unwillingness to engage with us on these issues puts more pressure on us to use the trade and economic contacts we have to press them on human rights and other matters.

Although I chose not to support the Wellstone amendment which would have conditioned PNTR on specific steps to improve religious freedom in China because I do not believe we should be adding last minute conditions to PNTR, I am deeply concerned about the most recent State Department reports on human rights and religious freedom in China. The Chinese government's respect for religious freedom and human rights has deteriorated considerably in recent years. Reports of severe violations continue unabated, including harsh crackdowns against religious and minority groups, the imprisonment of religious and minority leaders, including Catholic bishops, the complete repression of political freedom, and violence against women, including forced abortions, sterilizations, and prostitution.

There are those who say that we are losing our leverage with the Chinese on human rights by giving up our annual review of their human rights practices before we grant them normal trade relations status. In practice, however, this review had become a formality. We have never denied the Chinese normal trade relations status, even in recent years, since the Tianneman Square uprising, when their human rights record has been so egregious. I have believed that trade can be used as an effective bargaining tool in pressuring governments to improve their records on human rights. In the case of China, PNTR will not only provide us with the opportunity to press the Chinese at the highest levels, expanded trade will expose the Chinese people to the many freedoms we hold so dear, creating pressure from within.

We will also not be losing our opportunity to monitor Chinese human rights practices in a public way. The legislation before us creates a Helsinki-style commission which is designed to keep human rights on the front burner of US-Chinese relations. We must monitor Chinese behavior, speak plainly to the Chinese, and take action when necessary to communicate our objections to China's human rights record. And, we must continue our support for U.S. government and non-government efforts to effect change in China, including the development of the rule of law.

We must also use our growing access to China to do all we can to stem the proliferation of weapons of mass destruction and their delivery systems. The proliferation of these weapons and the ballistic missiles designed to deliver them pose the greatest threat to our security in the post-Cold War era. One of the consequences of the end of the Cold War has been looser controls on the technology, materials, and expertise to develop weapons of mass destruction. We must do all we can to prevent terrorists or radical states from acquiring these weapons and the

means to deliver them. To that end, we have been a leader in setting up international regimes to prevent the spread of nuclear, chemical and biological weapons, and ballistic missiles. Unfortunately, there is much evidence that the Chinese have been heavily involved in proliferation activities.

Although some would argue that the Chinese have made progress in this area, pointing to their 1992 promise to abide by the Missile Technology Control Regime, MTCR, their accession to the Nuclear Nonproliferation Treaty, NPT, their signing and subsequent ratification of the Chemical Weapons Convention, CWC, and the signing of the Comprehensive Test Ban Treaty, there are still grave concerns about Chinese proliferation activities. At the same time that China was making commitments to adhere to international regimes to prevent the spread of nuclear and chemical weapons and ballistic missiles, Chinese companies continued to transfer sensitive technology to a number of countries. These technologies were instrumental in the development of weapons programs. Missile technology sales to Pakistan, nuclear technology sales to Iran, chemical sales to Iran, and missile technology sales to North Korea have all been attributed to the Chinese. China has played a major role in Pakistan's nuclear program, selling Pakistan 5,000 ring magnets, which can be used in gas centrifuges to enrich uranium, and other equipment for their nuclear facilities. As recently as August 9, the CIA reported that China is still a ''key supplier'' of weapons technology, confirming for the first time missile technology sales to Libya.

The few advances China has made, at least in its formal commitments, can be attributed to U.S. pressure. The key to preventing the further spread of sensitive weapons technology and know how is to continue to press the Chinese to honor the spirit of these commitments. We must not be afraid to be tough with them in this area and we must be willing to use all tools—including sanctions—to bring this message home. Global security is at risk if we allow rogue states to develop the capability to build weapons of mass destruction. And, our own national security is directly at stake if they develop delivery systems, that is long-range ballistic missiles, to bring these weapons to our shores.

That is why I chose to support the Thompson-Torricelli amendment to require annual reviews of Chinese proliferation activities. If the review identifies persons or other entities engaging in these activities then sanctions would be imposed. I have been a longtime supporter of economic sanctions against companies and governments which engage in proliferation activities. I recognize that sanctions may not always be appropriate, and that is why Thompson-Torricelli had waiver provisions. However, sanctions have not been imposed in many cases that begged for a stronger response from our government. The reluctance to use sanctions sends a signal to the Chinese and others involved in proliferation activities that there are rarely consequences for bad actions. We must have teeth in our non-proliferation policy or in the end we will suffer the consequences.

I had no desire to delay PNTR in my support of the Thompson amendment, and I can say the same for all the amendments which I chose to support during our consideration of PNTR. Our trade ties can benefit us in all our dealings with the Chinese, but we must not permit trade to overshadow the broad range of interests which we have with them.

I have no illusions about the potential impact of what we have done. PNTR will not change the balance of trade overnight. This agreement will take time to have a liberalizing effect on the Chinese government. China is thousands of years old, we will not change their minds in a couple of years, regardless of whether we use carrots or sticks to persuade them. We need to continue working to reduce subsidies below their current levels, and continue to eliminate tariffs. The U.S. will also need to continue to work on human rights as well. The bill provides some of the tools for the work on human rights to carry on, but we must be diligent and stay focused on the task ahead.

Mr. ASHCROFT. Mr. President, I rise today to talk about a significant vote I will cast—a vote in favor of permanent normal trade relations for China. It is significant, but difficult. Difficult because the Chinese have shown—in everything from predatory trade practices, to threatening our national security, to total disregard for religious freedom and human rights—a disturbing lack of trustworthiness. And furthermore, the current administration seems trapped in a cycle of failed policy. I deeply regret that our President, on behalf of the United States, has squandered multiple opportunities to protect U.S. interests and to promote American values in trade matters.

The vote is significant because about one-fourth of the people in the world live in China. When we talk of China, we need to remember that we are talking about people, many of whom seek to embrace the same values that made America great, such as religious freedom, freedom of expression, and capitalism. They want to live free, while many of their leaders want only to amass power and rule with a heavy hand.

I do not argue, as some do, that dropping the annual review of China's trading status will usher in all of these freedoms. Nor will it further protect U.S. security interests. That argument is tenuous, at best.

The only thing that will usher in the freedom to express religious or political beliefs, to organize, to obtain a fair trial, and to be free from governmental intrusion, will be a transformation among China's highest government officials. This will not happen in the absence of a well-formulated policy underpinned by moral leadership on the part of the U.S. Presidency. The leader of the free world must lead the world toward freedom. For the sake of the Chinese people, it is my hope that the next President of the United States will take the initiative in a calculated and consistent manner to be a leader in this area, without the need to be prodded by Congress at every turn.

Furthermore, the key to U.S. security interests lies in the hands of the Commander in Chief. If China joins the World Trade Organization, the United States does not alter its ability, or its responsibility, to protect our interests at home and to promote security abroad. While the WTO agreement has an explicit exception that states that WTO trade obligations do not supercede national security decisions, the fact is that the United States does not need the exception. The most fundamental role of the U.S. government is to protect the security interests of its people, period. We can count on other countries to attempt to steal our national secrets and to violate our security interests. It is the way of history, the conflict of powers. The breakdown in U.S. security with the Chinese has occurred because this Administration has not been vigilant to protect our interests. It did not and does not have to be that way in the future.

Granting permanent normal trade relations to China does not alter the President's responsibility to promote American values or to protect U.S. security interests. However, granting PNTR to China does have a substantial impact on our ability to enforce our trade agreements. I would like to discuss this issue fully today because I believe it is central to the ability of American farmers and companies to crack open the Chinese market—on which Chinese officials, at times, appear to have a death grip.

As we all know, China has been trying to accede to the WTO for over a decade. In order for this process to be complete, China has to negotiate the terms of the trade agreement that are satisfactory to the United States and other WTO members and must receive a favorable vote from the WTO members. Also, for the United States to benefit from those new terms, Congress has to grant to China what is known as ''permanent normal trade relations'' status. The Administration has concluded a trade agreement with China, and the President, Vice President, and

entire Administration are now asking Congress to support PNTR.

A fair trade relationship with China has the potential to give Missouri workers and farmers the ability to sell goods in a new market of more than one billion people. However, a relationship is not built on commitments alone. It must include accountability. In China's case, we have a new and improved trade agreement, but we must also be able to enforce those commitments.

On the first issue—a solid agreement—there has been substantial progress made. China should open its market on equal terms to the United States. The U.S. market has been fully open to China for years. Although I would like to see complete reciprocity, I have reviewed the proposed agreement for China's WTO accession, and I believe it is a forward step toward opening China's market for U.S. products and services. This is a good deal for American jobs and Missouri's long-term economic growth.

On everything from automobiles to agriculture, Missourians are prepared to embrace the opportunities the agreement could provide: overall average tariffs will go from 24 percent to 9 percent by 2005; agricultural tariffs will be cut nearly in half (31 percent to 17 percent); businesses will be able to bypass state-trading ''middle-men''; import standards for U.S. food goods will be based on sound science; competition will increase in all of the service sectors, like telecom, insurance, banking; the Internet will be open to U.S. investment; and the list goes on.

The Missouri economy at large is poised to benefit substantially from further opening of the Chinese market. From the early to late 1990s, Missouri's exports increased by about 120 percent, going from about $65 million in 1993, to about $145 million in 1998. Most recently, China ranked in the top 10 countries for Missouri exports, up from the 16th position in 1993.

Agriculture is the largest employer in my home state, and in fact, Missouri ranks 2nd in the nation in its number of farms. As I've traveled around the state, stopping in every county over the last few months, Missouri farmers and ranchers have expressed to me the importance of approving the agreement that has been reached on agriculture. Those I met at the Missouri State Fair and at Delta Days told me that trade is becoming the number one issue for farmers.

Soybean farmers, for instance, must export about half of what they produce because there are simply not enough buyers in the United States. As the nation's sixth largest soybean producer, Missouri's soybean and soybean product exports were estimated at $586 million worldwide in 1998. China is the world's largest growth market for soybeans and soy products, and it has taken additional steps under the WTO agreement to further open its market. Tariffs will be 3 percent on soybeans and 5 percent on soybean meal, with no quota limits. For soybean oil, tariffs will drop to 9 percent, and the quota will be eliminated by 2006.

Examples of how Missouri agriculture stands to benefit are limitless. Beef, for instance, could see huge gains. Currently, Missourians are not in any real sense able to export beef to China because of trade barriers. Under the WTO accession agreement, by 2004 China will lower its tariff from 45 percent to 12 percent on frozen beef, from 20 to 12 percent on variety meats, and from 45 to 25 percent on chilled beef. Also, China has agreed to accept all beef that is accompanied by a USDA certificate of wholesomeness. These are opportunities Missouri cattlemen want to embrace. Under the agreement, U.S. cattlemen gain parity with those in other countries to compete for a beef market that covers about a quarter of the world's consumers and is virtually wide-open for growth. I know that if Missouri farmers and ranchers are given the opportunity to compete on these fair terms, they will succeed.

The WTO agreement could also help Missouri's manufacturing industry. Missouri's manufactured exports to China are broadly diversified, with almost every major product category registering exports to the Chinese market including processed foods, textiles, apparel, wood and paper products, chemicals, rubber and plastics, metal products, industrial machinery, computers, electronics, and transportation equipment.

Missouri's exports to China are from all across the state and include a variety of small and mid-sized companies. Sales to China from St. Louis totaled $93 million in 1998, a 92 percent increase since 1993. Kansas City posted exports to China of $66 million in 1998, an increase of 169 percent since 1993. The exports from the Springfield area grew by 42 percent between these years. Clearly, however, these numbers could increase much more if China's market becomes truly open—if China keeps its promises outlined in the WTO agreement.

I certainly do not claim to know exactly how changes in trade policy, such as China's WTO membership, will translate into real changes for people on a day-to-day basis, so I have set up a Missouri Trade Council to advise me on issues such as this. I would like to share a few of their thoughts.

Gastineau Log Homes, in New Bloomfield, wants to see if it can tap into China's demand for American-style homes, by providing U.S. engineering expertise and the materials with which to make them.

In Ava, MO, the Copeland plant (a subsidiary of Emerson Electric) explained how opening markets to one-fourth of the world's population can create jobs and substantially impact local communities. The Ava facility supplies the key components (scroll sets) for air-conditioning compressors. This plant would receive the benefits of the November agreement for these scroll sets by a reduction in industrial tariffs from 25 percent to 10 percent. Also, trading and distribution rights would be phased in over three years, so that Emerson Electric could distribute its scroll sets and compressors broadly, not just to its Suzhou plant, but to all distributors in China. And, Emerson Electric will be given the opportunity to service their products and establish service networks. The Copeland management has high expectations about sending their products to China. Right now, 40 percent of the plant's manufactured equipment goes to Asia, and the manager is expecting that percentage to nearly double. By 2003, exports to Asia well could be about 85 percent, and half of those exports are expected to go to Suzhou. Currently, the Ava plant employs about 350 Missourians, and the workforce is expected to double by 2003.

After reviewing China's WTO accession agreement and examining its probable impact on Missouri businesses and farmers, I believe that while the agreement does not give the United States complete reciprocity, it does make substantial progress on China's commitment to open its markets. However, the U.S.-China trade relationship must also have accountability. On the second issue—the enforceability of the agreement—I have more serious misgivings about the impact of granting PNTR to China.

The United States government has a responsibility to see that trade agreements we enter into are enforceable and enforced. My goal is to ensure that workers, farmers, and ranchers in Missouri receive the benefits promised to them through our international trade agreements.

Unfortunately, there is a combination of factors that I find discouraging, and that I believe underscores the need to make changes to broader U.S. trade policy. These included China's record of noncompliance with its trade commitments, the United States' loss of leverage in the WTO to get cases enforced, and China's propensity to be a protectionist market like the EU which has repeatedly blocked imports of American agriculture.

China's record of living up to its trade agreements has been dismal. China has frequently opened a door to U.S. companies only to frustrate their attempts to walk through it. For example, in the early 1990s, China reduced the import tariff on U.S. apples from 40 to 15 percent. However, by 1996, China had erected new backdoor barriers on apples and other agricultural products that U.S. exporters say were

even more punitive than the original import tariffs.

Another example is the 1992 Market Access Agreement in which China agreed to eliminate trade barriers to U.S. agriculture, manufactured products, and automobiles. Not only did China fail to comply with this agreement, the Chinese actually made negative changes that put U.S. businesses in a worse position than they were in prior to the agreement. For instance, the U.S. Trade Representative reported that on 176 items, import restrictions were abolished. However, the Chinese replaced those 176 old restrictions with 400 new restrictions that essentially make it harder for U.S. companies to export to China. The 1999 U.S. Trade Representative report said: ''By 1999, China had removed over 1,000 quotas and licenses. . . . But there are indications that China is erecting new barriers to restrict imports.'' Also, China adopted a new auto policy only two years after signing the Market Access Agreement that put auto manufacturers at a severe disadvantage compared to Chinese auto workers.

I agree that China's record of noncompliance, considered alone, should not be dispositive of determining how to vote on PNTR. In fact, the Administration says that we have nothing to lose by allowing China into the WTO because by doing so, China agrees to ''deeper and broader'' commitments, and the United States gets the benefits of the WTO dispute settlement system to enforce those commitments. However, I believe the proponents of PNTR have left out an important aspect of this ''deal''—when the United States approves PNTR, we give up our ability to unilaterally retaliate against China if China doesn't live up to its commitments, and must instead rely on the WTO dispute resolution system. Unfortunately, the WTO dispute resolution procedures have been inadequate to enforce our rights in past cases where the United States has successfully challenged unfair trade practices of other countries.

One of my constituents wrote the following:

> Granting PNTR will . . . reduce our ability to use unilateral tools to respond to continued Chinese failure to live up to its commitments. Our ability to take unilateral action is our only leverage against the Chinese government. Proponents of PNTR admit that only by using unilateral actions we were able to make even modest progress on intellectual property rights. The Chinese government has not lived up to the promises they made in every single trade agreement signed with the U.S. in the past ten years.

This Missourian is absolutely correct. While the process for getting a WTO Panel Decision issued has become more favorable to the United States, the ability to enforce Panel Decisions has been diminished.

In 1994, when the United States negotiated the WTO, the United States gave up the right to threaten higher levels of retaliation. The new standard is much more limited. The pre-1994 standard allowed a successful party (country) to impose a level of retaliation that was ''appropriate in the circumstances'' in relation to the violation proved. However, now we are bound retaliation levels that the WTO decides is ''equivalent to the nullification or impairment.'' This new standard has impaired our ability to enforce successful decisions, such as the one involving the export of U.S. beef to Europe.

The detrimental effect of this loss of leverage on our ability to demand implementation of favorable WTO decisions is illustrated by the U.S.–EU beef case. The WTO authorized retaliation of only $120 million by the United States to address the EU's closed beef market. Compare this figure with the $4.6 billion the United States threatened against China when we were not bound by the WTO retaliation levels. I am not suggesting that the United States should use retaliation levels that are disproportionately harsh. I favor multilateral mechanisms to determine noncompliance with trade agreements. But I believe that once the United States has been successful in challenging another country's trade barriers, retaliation should be authorized to ensure enforcement. Denying the U.S. adequate tools to enforce a decision is similar to denying a plaintiff a judgment in a case he won. ''Winning'' just for the sake of being called the winner is not the objective when pursuing a WTO enforcement decision. U.S. ranchers want to sell beef to the EU not just be told by the WTO that the EU is violating its agreements. And, if China fails to comply with its commitments in the future, we will need to have the tools to enforce our rights.

We need a policy that ensures results, not just paper promises. Missourians want some guarantee that inviting China into the WTO will result in enhanced export opportunities, not just never-ending litigation. To address the enforcement issue, I have taken a number of steps including the following.

I worked directly with former Commerce Secretary Daley to set up a ''China Compliance and Enforcement Initiative'' within the Department of Commerce. At a Commerce Committee hearing, I told Secretary Daley that this would be my top priority. In response the Enforcement Initiative was set up, which does the following:

Establishes a Deputy Assistant Secretary for China devoted to monitoring and enforcement of China's trade agreements;

Sets up a rapid response team of 12 compliance trade specialists based in Washington, D.C. and in China;

Provides U.S. businesses and others with detailed information about China's accession commitments, contact names, and up-to-date information on China's laws and regulations;

Implements an accelerated investigation procedure to encourage China's compliance without having to initiate a WTO case (within 14 days of receiving a complaint about China's noncompliance, the rapid response team will engage Chinese officials and try to come to a resolution of the issue within 90 days);

Gives U.S. companies a head start in the Chinese market by launching a trade promotion campaign, including missions, seminars, and trade shows;

Closely monitors imports from China to ensure that our trade laws are enforced.

Second, I am involved in an effort to get the Continued Dumping Act (S. 61) passed so that China will be unable to continually flood U.S. markets with unfair imports. This legislation provides for the penalties to be given to the injured industry in the United States if China continues to unfairly dump its products into the U.S. market after a decision has been made and penalties have been imposed. This bill would provide a powerful disincentive to foreign producers who dump their products in our market because it would give a financial benefit to U.S. manufacturers.

Third, I introduced the ''SHOW-ME'' Act (S. 2548), which says that the United States should retain a more liberal standard of retaliation in the WTO for China. This is a principle I support for the WTO in general. If the United States has completed all of the required steps by initiating, arguing, and winning a case in the WTO, we should first give the other country some time to implement this WTO decision. However, if the country continues to disregard a decision that has been made by a neutral panel in the WTO, the United States should have greater flexibility when setting levels of retaliation. I support a policy that will give the United States more tools for enforcement, as opposed to reducing the amount available, which is unfortunately where recent trade negotiations have taken us.

Along these same lines, I introduced the WTO Enforcement Act (S. 1073), which would ensure that U.S. businesses and farm interests are widely represented and heard during every stage of the WTO dispute settlement process, especially when it is necessary to threaten retaliation in order to enforce a WTO panel decision in their favor.

Fifth, I have worked with newly-appointed Commerce Secretary Mineta to make trade enforcement a top priority during the remainder of this Administration. Specifically, I have communicated with Secretary Mineta my goal of attaining added flexibility for the United States in order to enforce our

rights. Secretary Mineta ensured me in meetings and at a Commerce Committee hearing that this would be a priority. I am pleased to quote from his most recent statement about the issue:

As we have recently discussed, I share your concerns about enforcement of dispute resolution cases under the WTO and the available means of retaliation. . . . I will make one of my top priorities enforcement of our trade laws and compliance with our trade agreements, particularly the WTO. Our goal must be to ensure that panel decisions are faithfully implemented. Let me assure you that I will work closely with you and members of the Administration to find effective means of retaliation when decisions are not property implemented.

These are some of the initiatives I have recently undertaken to address Missourians'—and my own—concerns with China's past noncompliance record and our ability to enforce agreements in the future. I believe the job of opening markets begins, not ends, with the signing of agreements and the approval of PNTR for China. I know we have a continuing and great responsibility to ensure that America's farmers, ranchers, workers, and businesses receive the full benefit of the agreements that have been negotiated on their behalf. I embrace this responsibility on behalf of the millions of Missourians who are impacted by this vote and this issue. I am committed to monitor China's compliance with our trade agreements and demand action if they fail to keep their promises. In addition, I will continue to encourage this Administration, and the next, to be vigilant about enforcing our rights. Missourians deserve the opportunity to export their products according to the terms promised in agreements.

In closing, Mr. President, I would like to reiterate the fact that there is, quite frankly, a declining satisfaction in America's heartland with our ability—or inability—to open foreign markets. The only way we will rebuild confidence in trade agreements is by real enforcement of existing agreements, not by entering into newer, more unreliable ones.

It is time for U.S. trade policy to be fortified with a strong foundation—that of real enforcement. It is time that our policies lead to job creation in practice, not just in theory. It is simply unacceptable for the Chinese to repeatedly repackage the same deal with a new label and not live up to the commitments it makes.

I will continue to work with all parties to fashion fair trade policies with China and all our trading partners to increase Missourians' access to world markets, which will create more jobs and a stronger economy. As a Senator from the Show Me State, I believe China, and other WTO members, need to show us that they are serious about living up to trade agreements. I will continue to work toward this goal.

Ms. SNOWE. Mr. President, I rise today to speak on the issue we have been debating here in the Senate for the past week—the matter of permanent normal trade relations (PNTR) for China.

Mr. President, my concerns about China are longstanding. They are based in no way on antipathy for the people of China, but rather China's authoritarian government—a government with a human rights track record that no one in good conscience could even defend. That is why I opposed the annual renewal of normal trade relations for China just last year.

At the same time, we are faced with another irrefutable fact—China is becoming a member of the global trading community with or without the concurrence of the United States. The fundamental question we are faced with is whether the U.S. will be fully engaged with China during this process.

A vote in favor of PNTR for China represents a recognition of reality, a recognition that China currently has complete access to our market while we have very limited access to theirs, a recognition that China is about to burst on to the international trading scene as a full fledged member of the World Trade Organization, a recognition that we would be actively choosing to put ourselves at a distinct disadvantage relative to our fellow WTO members should we fail to grant China PNTR.

A ''yes'' vote is a recognition that our success in the new century's new global economy—which has arrived whether we care to admit it or not—will only be as great as our willingness to be a part of it, a recognition that we have, rightly or wrongly—and I would argue wrongly—already de-linked our trade policy with China from our human rights policy, and a recognition that the status quo has done little or nothing to help improve the lot of the typical Chinese man or woman.

Mr. President, this is an imperfect bill we have before us. Personally, I would have preferred to support a bill improved by a number of amendments we have considered during our debate. Because I believe we must do our utmost to impact human rights in china, to protect against the potential impact of their massive cheap labor market, to preserve our national security and to ensure compliance with our trade agreements.

For instance, as my colleague, Senator WELLSTONE, stated on the floor during the debate on his amendment conditioning PNTR on China's compliance with previous U.S.-China prison labor agreements, the 1992 agreement allowed on-site inspections by U.S. Customs officials in China to determine whether allegations that forced or prison labor were manufacturing products were true.

Yet as soon as Taiwan's then-President Lee visited his alma mater, Cornell University, In 1992, China demonstrated its displeasure with the U.S. by among other things, suspending its agreement to allow U.S. inspections. China still refuses to abide by the terms of this agreement.

That's why I supported Senator WELLSTONE's amendment because I believe it is time for China to start living up to the international economic role it seeks. Even absent that amendment, under the WTO, China is expected to abide by all trade agreements all the time—not just when it is in its best interest. And I will be looking to the WTO to hold them to that standard.

Indeed, as a WTO member, China would be subject to reams of trade rules, and any of the organization's 138 members would demand that a rule be enforced. I believe that this perhaps, more than anything else, would spur the development of a market economy in china which is based on full compliance with its trade agreements.

Moreover, it is encouraging that the Administration has put forth a plan to monitor China's compliance with the establishment of a new Commerce Department Deputy Assistant Secretary for China, who would be devoted to monitoring and enforcing China's WTO trade agreements. I am also encouraged by announcements that a ''rapid-response compliance'' team of 12 staff people working in the U.S. and China, and a China-specific subsidy enforcement team, will be established to monitor China's trade compliance.

Further, Mr. President, the legislation itself requires an annual report from the USTR on Chinese compliance with WTO obligations and instructs the USTR to work to create a multilateral mechanism at the WTO to measure compliance. It also authorizes funding deemed necessary for the U.S. to monitor China's compliance. This is a step in the right direction and a necessary component of this bill.

Another issue of utmost importance as we have reviewed PNTR from the perspective of what is in the best interests of the United States is our ability to maintain our national security.

As my colleagues are well aware, one of a president's primary responsibilities under the Constitution is to conduct foreign affairs, and in doing so, Americans assume that a president is promoting our national security and interests abroad. As trade among nations is inexorably intertwined with political relations among nations, national security cannot—and should not—be considered in isolation. Therefore, it has been entirely appropriate that China's proliferation of weapons of mass destruction have been part of this debate.

I have long been concerned about transfers of technology by China that contribute to the proliferation of weapons of mass destruction or missiles that could deliver them. Recent issues have involved China's sales to Pakistan, Iran, North Korea, and Libya. On

August 9, the CIA reported that China remained a ''key supplier'' of weapons technology and increased missile-related assistance to Pakistan in the second half of 1999.

This is why I was a cosponsor of the Thompson-Torricelli bill and a supporter of their amendment. It is vital that the U.S. demonstrates that we will not turn a blind eye to China's proliferation and that we will actively take steps to induce change.

The Thompson-Torricelli amendment did not address trade but, in fact, was a crucial part of this debate as China continues to facilitate the proliferation of missile technology and weapons of mass destruction, to rogue countries. It would have provided an annual review mechanism, mandatory penalties, and an escalating scale of responses to Chinese proliferation of weapons of mass destruction, missile technologies, and advanced conventional weapons.

Accordingly, I consider the passage and enactment of the Thompson-Torricelli proposal in the future not simply to be good policy, but a critical companion to PNTR, and I hope we will revisit this critical issue in the 107th Congress.

Mr. President, in addition to an in concert with our national security responsibilities, one of the most prominent national interests of the U.S. is the promotion of human rights around the world. Indeed, one of the ongoing and essential reasons I have voted against NTR status for China in the past was due to its infamous human rights abuses.

During the consideration by the House, provisions were added to the PNTR legislation to monitor China's human rights by creating a Congressional-Executive Commission. The Commission will submit to Congress and the President an annual report of its findings, including as appropriate WTO-consistent recommendations for legislative or executive action.

I also recognize that any U.S. trade sanction taken against China could be brought before the WTO for resolution by China. The WTO's focus is international trade law, not human rights.

Accordingly, I supported Senator HELMS' amendment that would require, as a condition of China receiving PNTR, that the President certify that China has taken actions regarding its human rights abuses and religious persecution. Just as importantly, I also supported another Helms amendment that called on U.S. businesses to conduct themselves in a manner that reflects the basic American values of democracy, individual liberty and justice—a voluntary code of conduct.

While both amendments were clearly defeated on grounds other than the merits of the issue itself, I make a personal appeal to America's businesses to conduct themselves in a manner that does credit to the ideas we hold dear as a nation.

And I'm certain my colleagues agree that it is clearly in America's best interest—not to mention in keeping with the principles on which we were founded—to keep up the pressure on China to improve human rights for its own people and it is my fervent hope that we will do so.

Mr. President, economically, U.S. companies have expressed to Congress throughout this debate that our future competitiveness and, ultimately, our economic success as a country will be hamstrung without this agreement—but with it, all of America will be better off. Again, while I would have preferred to vote on a bill strengthened by the amendments I have just discussed, I find that I must concur.

For the past two decades, the U.S. has granted China low-tariff access to our market. And what have we gotten in return? Any number of different trade barriers which have severely limited U.S. access to China's market. To me, Mr. President, this has been far from fair.

Under this lopsided arrangement where China maintains nearly complete access to our market while we face stiff barriers, this has contributed to the increased trade deficit with China. In 1992, our trade relations with China produced $7.5 billion in U.S. exports and $25.7 billion in U.S. imports from China. By last year, our exports rose to $13.1 billion while our imports from China reached an astonishing $81.8 billion—a $68.7 billion deficit.

Now, some have argued that by improving the business climate in China, we're opening the floodgates for a massive outflow of U.S. businesses that will wish to relocate to that country. And certainly, China will be a more attractive place to do business should PNTR be approved.

But we must keep in mind that, under our current trade arrangement with China, many U.S. businesses have chosen to relocate a degree of their operations to China because Chinese tariff and non-tariff barriers make it very difficult to export products directly to that country. In order to gain access to the market, many firms build plants in China—however, this strategy has been by no means without is own problems.

In fact, businesses currently face a variety of discriminatory practices, including technology transfer, domestic content, and export performance requirements—in other words, that firms must export a certain share of their production. Once China becomes a member of the WTO—which of course we know is inevitable regardless of how we vote on PNTR—it will lower tariffs and eliminate a wide range of non-tariff barriers.

What does this all mean for U.S. businesses? It means that many firms—especially small and medium-sized firms, so we're not just talking about large corporations here—might choose instead to export products directly to China.

In other words, a greater investment in China under the provisions of the agreement that has been negotiated could promote an increase in U.S. exports to China. And that's not just me talking. According to the well-respected firm of Goldman Sachs, passage of PNTR for China can be expected to increase our exports to China by anywhere from $12.7 to $13.9 billion per year by 2005.

In my home state of Maine, there are a variety of facets of our economy that can expect to benefit. Already, Maine is significantly engaged in trade with China—to the tune of $19 million in 1998. From agriculture to civil aircraft parts to insurance to wood products to high-tech industries and fish products, PNTR would allow these vital sectors of our economy to continue to complete on an even footing with our global competitors, and to do so under WTO enforced rules.

For example, there would be zero tariffs on all semiconductors, telecommunications equipment, and other information technology products by 2005. Tariffs on wood and paper would be reduced from between 12 to 25 percent to between 5 and 7.5 percent. And tariffs on fish products would be reduced from 20.5 to 11.4 percent. These are significant numbers for significant industries in Maine.

Now, some will argue that PNTR will adversely affect our textile industries. Mr. President, as someone who has long been concerned about our trade agreements because of the effect they will have on the textile and apparel industry in the U.S. and in Maine, nobody is more sensitive to this issue that I am. Since 1994, Maine has lost 26,500 textile and apparel jobs, so I have scrutinized every trade agreement with this situation in mind.

This legislation, however, represents an improvement over past trade agreements I have opposed. Again, the fact is, China will become part of the WTO. And all WTO members must abide by the Agreement on Textiles and Clothing, or ATC, that phases out existing quotas and improves access to the markets of developing countries. In fact, all import quotas on textiles and apparels are to cease to exist by January 1, 2005, and China will reduce its tariffs on U.S. textiles and apparels from 25.4% to 11.7%.

In other words, under the ATC, the U.S. will be required to end quotas as will China. I understand that the textile industry wanted a 10-year phase out period and that opponents have contended that this will allow massive Chinese imports to the U.S., but the U.S. has negotiated specific protections regarding textiles and the PNTR legislation itself contains anti-surge safeguards.

Under the bilateral trade deal, the U.S. was able to retain the right to impose safeguard measures through 2008 and the PNTR legislation authorizes the president to take action if products from China are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruptions to the domestic producers.

Mr. President, I understand that textiles and apparels are an inviting industry for China to utilize its vast labor pool, but I believe that what we have negotiated and are about to enact into law addresses this issue while still allowing us to be full participants in the future.

And that is what this is about, Mr. President—the future—for both the United States and China.

The fact of the matter is, recent economic development has led to a rising standard of living for the average Chinese. Does China have a long way to go? Absolutely. Is this a hopeful beginning? I believe it is.

We are not going to change China overnight, with or without PNTR. But we must start somewhere. If we are not going to use the annual review of NTR for China as leverage for greater human rights in that nation—and clearly, as I noted at the beginning, we seem to have long since conceded the point, despite my protestations—then it is time to bring the American promise to China through the promise of increased economic opportunity for the Chinese people.

Change will be incremental at best. The Chinese government has proven itself a master of self-perpetuation. They still control the lion's share of finance and the means of production, and they are still a government not of the people or for the people.

But under this new trade agreement, and as a member of the WTO, the Chinese government will have a little less control then they had before. They will be subject to more rules—and rules made by those outside of China. And they will know that if they want to be a part of the tremendous promise of the 21st century, this is their only course.

Here at home, we have choices to make as well. Will we remain globally competitive? Will we embrace the opportunity to engage ourselves in a market of 1.3 billion people? Or will we tie oversees to the status quo, where China has access to our market, we don't have access to theirs, and the human rights issue gets no better than it has over the past ten years?

The bottom line is that the U.S.-China trade agreement—which is contingent on PNTR—represents an unprecedented, albeit imperfect, opportunity for the U.S. to gain access to the China market, for the U.S. to increase trade and thereby increase innovation and prosperity for ourselves and the generations to come. For these reasons, I will support PNTR for China.

Mr. LEVIN. Mr. President, there are weighty arguments that can be made on both sides of the question regarding whether or not to grant permanent normal trade relations status, PNTR, to China. But in the end there are two compelling arguments for granting PNTR that, I believe outweigh the arguments against it.

The first is that our current trade relationship with China is unacceptable and the second is that the existing annual review of our trade relationship has failed to improve either that relationship or the human rights situation in China. Granting China PNTR will result in concrete improvements in our trade relationship and offers the promise of a significantly more effective tool for both monitoring and changing the human rights conditions in that country.

When I say that our trade relationship with China is unacceptable, I am referring to the $69 billion trade deficit with China we ran up last year ($82 billion in imports versus $13 billion in exports). And as bad as that deficit is, economists are predicting it will grow. These levels are totally unacceptable. Today, access to China's highly regulated and protected market is extremely difficult. China protects its domestic market with high tariffs and non-tariff barriers that limit access of foreign companies. There is also inadequate protection of intellectual property and trade-distorting government subsidies.

There are clearly some advantages to this agreement in terms of gaining greater access to Chinese markets. China's current trade barriers, for instance, are especially high in the automotive sector. Concessions made by China in the agreement with the United States to open up their automotive sector to our exports are significant, including tariff reductions. Before the agreement, China's auto tariffs average 80–100 percent. China agreed to lower that to 25 percent by 2006. Before the agreement China's tariff on auto parts averages 20–35 percent. That is reduced to 10 percent by 2006 under the agreement.

There are significant tariff reductions in other areas than the auto sector. Before the agreement, China's agricultural equipment tariffs average about 11½ percent. China will reduce them to 5.7 percent by 2002. Before the agreement the Chinese tariff on apples, cherries and pears is 70 percent. After the agreement, China will reduce that to 10 percent, by 2004. China's tariff on chemicals averages 14.75 percent now, and in the agreement China has agreed to reduce it to 6.9 percent by 2006. It also agreed to reduce its tariff on filing cabinets from 18 to 10.5 percent by 2003. Chinese tariffs on refrigerators would come down from 25 percent to 20 percent by 2002. American farmers and exporters have told me they believe they can export to and compete in China with these lower tariffs.

China has also agreed to phase out its restrictive import licensing requirements and import quotas for vehicles. China agreed to phase out all restrictions on distribution services, such as auto maintenance and repair industries, giving U.S. companies the right to control distribution of their products, which is currently prohibited. In its agreement with the European Union, which will apply to all WTO members once China joins the WTO, China agreed to let foreign auto manufacturers, not the Chinese government, as is currently the case, decide what vehicles they wish to produce for the Chinese market. Also, as a member of the WTO, China would be required to drop its local content restrictions. Such changes are significant and long overdue.

If the status quo in our trade with China is unacceptable, so too is our mechanism for impacting the human rights climate in that country. I know that some have argued that Congress should not grant China PNTR status because they are reluctant to abandon our annual human rights review process and thus reduce our leverage with China on human rights practices. But what real leverage has this annual review and certification process given us when the United States has granted China normal trade relations status every year for 21 years without interruption? Even in 1989, after Tiananmen Square, China's normal trade relations, NTR, status was renewed. If we can certify China even after Tiananmen Square, what is this annual review pressure really worth?

The human rights situation in China is miserable. That's the current situation, the status quo before the agreement we are considering. Describing the violations of human rights in China now doesn't answer the question of whether we should grant China PNTR any more than whether we should have granted PNTR to Saudi Arabia or other countries where human rights are violated.

In other words, the current situation before this agreement is bad regarding human rights as is true with many other countries with whom we have PNTR. I don't see how we are worse off with this agreement in terms of getting China to improve their human rights. In fact, the PNTR bill we are voting on includes a specific mechanism to monitor and report on China's human rights practices that was proposed by my brother, Congressman SANDER LEVIN. Through the establishment of a congressional-executive commission on human rights, labor market issues and the establishment of the rule of law in China we will be keeping some public, visible and ongoing pressure on China to reform in these areas.

Even the president of the AFL–CIO, John Sweeney, who was critical of the House vote approving PNTR acknowledged that my brother's provisions,

> . . . marked an historic turning point: a trade bill cannot be passed in Congress anymore unless it addresses human rights and workers' rights.

In addition to the improved human rights enforcement we gain under PNTR, I believe it is at least possible the opening of Chinese markets to our products and involving them more and more in the world economy will produce human rights results which the current approach hasn't produced.

There may be some truth in the argument that the year-to-year certification creates some uncertainty for American businesses thinking of investing in China if they export some of their Chinese production back here despite their stated intention not to. This uncertainty, it is argued, results in lower levels of US investment in China, and lower levels of job transfers which sometimes accompanies that investment, than would be the case without the tariff uncertainty created by the annual review. However, it's unrealistic to expect that investments will not be made in China by companies from other countries even if not made by our companies. European and Asian companies will presumably fill any gap. And they could just as easily export their Chinese-made products to the United States, in which case more US jobs would probably be displaced as a result of those imports than would be displaced if American companies were the investors.

Let's assume you have an American and a German refrigerator manufacturer vying to make refrigerators in China. If both companies were going to ship refrigerators back to the United States, the jobs of people making refrigerators in the United States would seemingly be at least as much jeopardized by the German made-in-China refrigerator as the American made-in-China refrigerator. Actually, the job displacement would probably be less with the American made-in-China refrigerators being sold back here because the American company is more likely to use some US made components, stimulating at least some US exports. And not only will European and Asian businesses probably be less likely to use American made components in items they assemble in China, they will probably have fewer US stockholders gaining from their investments in China than would be the case with an American company's investment.

For instance, even though General Motors started production of the Buick Regal two years ago in Shanghai, no GM vehicles have come back to the US and $250 million a year worth of American made auto parts were used in that production. As a result of General Motors and other US vehicle manufacturers' investment in China, in 1999 Chinese imports of US automotive parts grew by 90 percent over the prior year. Percentagewise, China's imports of US automotive parts are increasing faster than China's exports of automotive parts to the United States. We are seemingly better off with some US content in Chinese-made products than with none.

It's clear to me that the status quo is failing to improve human rights conditions in China and failing to improve our trade relationship with that country. Given that I believe our trade relationship with China is intolerable and China's human rights climate is miserable, I do not vote for PNTR to reward China. Far from it. I have no desire to reward China for creating unfair barriers to American products and maintaining tariffs on our exports while Chinese imports flood our marketplace. Nor do I want to reward China for its failure to comply with earlier trade agreements. And I have no desire to reward China for persecuting those who only seek to practice their religious beliefs or to secure their rights as workers. But in the end PNTR is not a reward to China, it is a tool our country should use and use aggressively to open China's markets to our goods the way our market has been open to China's goods and to exert meaningful pressure on China to join that community of nations that respects basic human rights. My vote for PNTR is a vote against a status quo that has failed to advance either of those goals. It is a vote for a measure, however imperfect, that can move us closer to a fair trading relationship with China and to a day when the people of that country can enjoy their fundamental human rights.

Mr. MACK. Mr. President, I rise today to speak on the future of U.S. trade relations with China and the impending vote on China's PNTR status. The prosperity that this nation has enjoyed for the past 50 years has been a result of our commitment to free trade and opening markets. Free trade benefits all—it enhances prosperity and develops markets, essential elements to the spread of freedom, democracy, and the rule of law. China's entry into the World Trade Organization will also enhance American competitiveness, further our national interests, and benefit our trading partners. But we must enter into this agreement with our eyes open. China must comply with this agreement for it to have meaning. The United States must vigilantly seek enforcement of all agreements with China, including those addressing national security and human rights.

I share the concern of my colleague, Senator THOMPSON, regarding China's proliferation of weapons of mass destruction. On August 9th of this year, the Director of Central Intelligence reported that China remained a ''key supplier'' of weapons technology and increased-missile related assistance to Pakistan as recently as the second half of 1999. In the last year it has been reported that China transferred missile technology to Libya and North Korea and may still be providing secret technical assistance to Pakistan's nuclear program. U.S. Intelligence has also provided evidence that the PRC has provided Iran with nuclear technology, chemical weapons materials, and missile technology that would violate China's commitment to observe the MTCR and U.S. laws. I do not suggest that because of these violations we should cut off trade with China, but we must address the fact that they are supplying rogue nations with weapons of mass destruction. This threat to our national security has made my decision on this vote a difficult one, and that has been compounded by my concerns with China's repeated human rights abuses.

I suspect that each of my colleagues has had some opportunity over the years to hear about the human rights abuses taking place in China. I think one of the more eloquent spokesmen for the struggle for freedom has been Wei Jingsheng. He reminds us that those of us who live in the luxury of freedom should not forget those who are still struggling for liberty and freedom.

Mr. President, because of these very strong conflicting views, the importance of open and free trade on the one hand, and the importance of human dignity and the pursuit of freedom on the other, this has been a difficult decision for me. But, after due consideration, I conclude that moving toward open and free markets advances freedom in China, so long as China is willing to abide by the rules of the WTO.

By exposing China to global competition and the benefits it has to offer, Chinese leaders will be both obligated and empowered to more quickly move their country toward full economic reform. And by virtue of their business relationships, over time the Chinese people will be exposed to information, ideas and debate from around the world. This in turn will encourage them and their leadership to embrace the virtue and promise of individual freedom. The reason I am willing to embrace it has much has to do with the kinds of changes we have seen taking place in China over the years. If they were still committed to the ideology of the 1950's and 1960's, I do not think we would be here today. But, they have clearly moved toward opening their economy, and we should continue to push to open the country to freedom.

So I think it is time for us to respond to these changes by saying to the Chinese people—we want to be engaged in free trade and competition with you. I think, in the end, humanity will benefit. So I will cast a vote in favor of this legislation.

Mr. President, I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, today the Senate votes on whether to establish Permanent Normal Trade Relations with China.

This issue has been the subject of longstanding and emotional debate. It is an issue which has divided the Congress, human rights groups and policy experts from across the spectrum. There are strong arguments on both sides—arguments I carefully weighed in deciding how to vote.

In the past, I have opposed extending annual Most Favored Nation status to China because of concerns about China's egregious record on human rights and labor rights. By many accounts, including the State Department's, the situation there has deteriorated over the past year. Repression of political dissent, restrictions on freedom of religion and the persecution of ethnic minorities are realities of everyday life. I witnessed with my own eyes the tragedy that has befallen the people of Tibet, when I traveled there in 1988.

For Vermonters, the young Tibetan and former Middlebury College student, Ngawang Choephel, and his mother, Sonam Dekyi, are the human faces of the hardships and injustices endured under Chinese rule.

Ngawang was arrested more than four years ago by Chinese police when he was in Tibet making a film about traditional Tibetan culture. He was sentenced to 18 years in prison, despite the fact that the Chinese have never produced a shred of evidence that he committed any crime. President Clinton and Secretary of State Albright have personally sought his release, to no avail. In May 1999, the U.N. Commission on Human Rights declared his detention to be arbitrary. I have taken countless steps in seeking his release, year after year, and so have Senator JEFFORDS and Congressman SANDERS.

Since 1996, Ngawang's mother sought permission to visit him. Chinese law permits family members to visit imprisoned relatives, but for four years the Chinese Government ignored her pleas. Finally, last month, the Chinese Government made it possible for her to see him. She found that he is suffering from recurrent, serious health problems, far more serious than those of us who have followed his case closely had been led to believe.

Thirty-two years ago, Ms. Dekyi made the dangerous journey from Tibet to India to escape Chinese repression. She lost a child along the way. Her remaining son is now paying a terrible price for his brave attempts to document Tibetan culture.

No one here would disagree that in so many ways the policies and practices of the Chinese Government stand in direct opposition to the democratic principles upon which our country is founded. Mr. Choephel's case is just one of many examples.

The question, however, is not whether we approve or disapprove of this reality. It exists. The question is what can we do about it? How can we most effectively encourage China to become a more open, humane and democratic society?

The unavoidable fact is that our current approach has not worked. Due process is non-existent. Ngawang Choephel and many other political prisoners remain in custody. Many of China's workers are exploited. Anyone who publicly expresses support for democracy is silenced. If I thought that we could solve these problems by preventing normal trade relations with China, I would support it without hesitation, but I do not believe that course would achieve our long-sought solutions to these many problems.

Preventing normal trade with China would not advance the political and humanitarian goals that the United States has long worked for in China, nor will it advance the economic goals we have set for ourselves here at home.

The fact is, with or without Congress' approval, China will join the World Trade Organization.

It will join 135 other countries in an organization which regulates global trade. It will be part of an international economic system created by democratic nations and governed by the rule of law. It will be required to further liberalize an economy which is already being transformed by trade and technology, and which has contributed to slow but steady reform.

So on the one hand, preventing normal trade relations with China would not stop China from enjoying the benefits of WTO. It will join WTO regardless. Nor, I believe, would blocking China PNTR result in Ngawang Choephel's release. But on the other hand, by blocking PNTR we would deny ourselves the significant economic benefits that will result from China's agreement to reduce tariffs and open its markets to U.S. exports in ways that it never has before. And, I believe, we would deny ourselves the opportunity to build a better relationship with China.

Some have suggested that this debate is about what is right and what is wrong with the WTO. From its history of negotiating trade agreements in secret, to inadequate consideration of labor rights, human rights and the environment, there are plenty of problems with the WTO. These issues are important and they absolutely should be addressed. But they are not what this debate is about.

I have long spoken out against the lack of basic freedoms in China. I strongly supported the Administration's decision to sponsor a resolution condemning China at the U.N. Human Rights Commission. I have done everything I can think of to seek Ngawang Choephel's release, and I will continue to do so until he is released. I fervently hope that the Chinese Government will respond to the Congress' vote in favor of PNTR by releasing Mr. Choephel, along with others who do not belong in prison and who in no way threaten China's security.

Until the rule of law is respected and there is an independent judiciary that protects people's rights, until Ngawang Choephel and the other prisoners of conscience who languish in China's prisons are free, China will never be able to fully join the global community.

I am encouraged that the legislation that has come from the House would create a bipartisan Helsinki-type commission to monitor, promote and issue annual reports on human rights and worker rights in China. This bill requires hearings on the contents of these reports, including the recommendations of the commission, and it establishes a task force to strengthen our ability to prevent the import of goods made with prison or forced labor.

In the past, questions have been raised about the effectiveness of the yearly review of China's human rights record. However, I believe that it is important to have an annual debate on this issue, and I feel that the Helsinki-type commission and task force will provide useful, albeit limited, mechanisms for the examination of China's record on these issues

I have voted for every amendment to this legislation that was consistent with PNTR, and which would have also strengthened human rights. I deeply regret that they were not adopted. We can expand our trade with China, we can build a better relationship with China, and we can also stand up for human rights. The amendments offered by Senator FEINGOLD, Senator WELLSTONE, and others were reasonable and fully consistent with our most cherished values.

Profound differences over human rights will continue to cast a shadow on our relationship with China, and that is unfortunate. But it is also important to recognize that life in China is significantly different from what it was two decades ago or even two years ago.

For the first time, Chinese citizens are starting their own businesses. More and more Chinese are employed by foreign-owned companies, where they generally receive higher pay and enjoy better working conditions. State-run industries are gradually being dismantled and state-owned houses, health clinics, schools and stores are no longer the rule—reducing the influence that the Chinese Communist party has over its citizens everyday lives.

Technology has also weakened the government's ability to control people's lives. In the past year, the number of Internet addresses in China has risen dramatically. This year, the number is expected to exceed 20 million. With the Internet comes the exchange

of information and ideas. And the government's best efforts to stifle this exchange are little match for a phenomenon that has transformed the lives of people around the world, from the most open to the most closed societies. In addition, access to print and broadcast media has expanded rapidly, along with nonprofit and civic organizations.

It is impossible to know what path Chinese authorities will ultimately choose—whether WTO membership and the changes it requires will indeed contribute to real democratic reform. But it would be a mistake for us to err on the side of isolation when there is so much that could be gained by engagement.

The President's arguments on this issue have been persuasive. So have the arguments of three former Presidents, six former Secretaries of State, and nine former Secretaries of the Treasury.

I also found persuasive the fact that many Chinese democracy and human rights activists, who have suffered the most under Chinese rule and have the most to gain from change, support PNTR.

And so I will vote for PNTR today.

Our archaic, counterproductive and ill-conceived approach toward Cuba is a perfect model for what we should not do in China. Our isolationist policy, which I have long argued against, has fallen hardest on everyday Cubans. Nothing has done more to perpetuate Castro's grip on power, and the denial of basic freedoms there, than our embargo.

Rejecting PNTR would strengthen the same element in China—the hard-liners who are afraid that engagement with the outside world will dilute their power and influence. These are the same hard-liners who are refusing to negotiate with the Dalai Lama on Tibet and who would settle differences with Taiwan by force.

Which brings me to the issue of national security. China is an emerging military power, with a small but growing capability to deliver nuclear arms. It has an increasing influence in Asia, which military experts have identified as the most likely arena for future conflict. Passage of PNTR and China's accession to the WTO offer important opportunities to increase China's stake in global security and stability and to help ensure that over the long term China becomes our competitor and not our adversary.

Moreover, this legislation will not undermine U.S. efforts to use a full range of policy tools—diplomatic, economic and military—to address any potential Chinese noncompliance with American interests or international norms.

In purely commercial terms, Congress concedes nothing to China by approving PNTR. We do not open our country to more Chinese products. Rather, we simply maintain the present access to our economy that China already enjoys. In return, Chinese tariffs—from telecommunications to automobiles to agriculture—will fall by half or more over just five years, paving the way for the export of more American goods and services to the largest market in the world.

It is important to remember that if Congress rejects PNTR, other countries will continue to trade with China. They will reap the trade benefits that we have rejected.

PNTR will benefit Vermont. In the past year, Vermont exports to China have increased significantly—from $1 million in 1998 to $6.5 million in 1999. While this represents only a small fraction of Vermont's total exports, lower tariff barriers are likely to help Vermonters export their products beyond the Green Mountains to a quarter of the world's people. More Vermont exports mean more Vermont jobs.

I recognize the concerns of some in the labor community who believe that approving PNTR may cause the loss of some jobs in the United States. I know that many leaders of American labor organizations are motivated by their concern about their workers, and I respect them for that. Behind the statistics are real people with real families who suffer real consequences.

Some American workers will be hurt by this agreement. It is likely that some jobs will be lost as some businesses shift operations to China. However, trade experts generally agree that granting China PNTR will ultimately create a more favorable trade balance by increasing exports to China. And more American exports means more American jobs at a time when unemployment is at a historic low.

I support the strong anti-surge controls that have been included in the legislation, which will help protect American industries from a surge in Chinese imports that disrupt U.S. markets. The bill also authorizes funding to monitor China's compliance with its WTO commitments.

Mr. President, as with most trade bills that have come before Congress in the last ten years, the debate over granting PNTR for China has become clouded with simple slogans and half-truths.

Despite what we may hope for, history has proven time and again that there is no quick fix for the problems facing the Chinese people. And as it becomes harder for Chinese authorities to maintain control in the face of outside influences, the temptation to crack down on dissent may get worse before it gets better.

But we need to look beyond next month or next year. Freer trade will not in and of itself improve civil and political rights in China. It will not guarantee U.S. national security. It will not create thousands of American jobs overnight. But China's civilization is thousands of years old. It is changing faster today than ever before. With continued engagement on all fronts, we can, I believe, advance each of those important goals. For my part, I personally look forward to a much more intensive and regular dialogue with Chinese officials on these and other issues of importance to both our countries.

At the end of this debate, all of these many issues and arguments must be distilled to answer this one question: Is a vote for permanent normal trade relations with China in the best interests of the United States? The answer to that question is clearly ''yes.''

Mr. HATCH. Mr. President, this proposal has engendered one of the most serious and genuine debates we have had recently in the Senate. I have listened carefully to the pros and cons of H.R. 4444 which have been expressed over the last several months as well as here on the Senate floor in the last several weeks.

I have not come to a decision lightly and have given a great deal of consideration to all the arguments. There is no question that China is today a communist police state. There is no question that it has an abysmal human rights record.

But, the question is not the state of China today. It is what impact PNTR will have in the future, both for the United States and for China.

On balance, Mr. President, I have concluded that permanent normal trade relations with China and passage of H.R. 4444 will contribute to America's commercial prospects, enhance the spread of free market principles, and further strengthen the social and economic forces in China that will eventually sweep the police state into the dustbin of history.

Mr. President, Asia is the state of Utah's fourth largest market. While the predominant consumer of Utah exports is Japan, which buys nearly $500 million of Utah's products, as China's economy grows, so will the demand for Utah's industrial machinery, processed foods, nutritional and health food products, electronic software, and other products demanded by maturing societies.

This trade development cannot occur without PNTR, which will allow the U.S. to take China to court over unfair trading practices.

Up to now, Utah's 1,200 informational technology companies have been at a disadvantage in the Chinese market. The Chinese steal and counterfeit virtually all software, videos, and other intellectual property media entering the country. As the chairman of the Judiciary Committee, which has jurisdiction over copyrights and patents, I am most concerned with enforcing intellectual property laws both at home and abroad. China's WTO membership

will place major restraints on pirating, the most important of which is our right to take China to the WTO dispute settlement panels.

It is worthwhile to note, Mr. President, that the U.S., whose economy is the most dynamic in the world, and whose producers are the most law-abiding, will be the beneficiary of the equal enforcement of the trade rules of the WTO, which we played a large role in shaping. This is not merely a prediction: To date, the U.S. has won over 90 percent of the cases we have initiated before the WTO.

If the U.S denied China PNTR, we would lose the right to go to court and would risk surrendering our market access potential in China to our competitors.

Mr. President, job-creating Utah businesses want PNTR. Utah's business community understands the prospective value of China's trade as well as the benefits of WTO. In meetings with state agricultural groups, community leaders, as well as virtually every other major job-creating business sector with export markets or export-market potential in the state, the demands have been consistent: ''Give us access to China.''

While this position is strongly held in Utah, it would be unfair to say it is unanimous. Utah's steel worker community, for example, opposes PNTR for China. But, with WTO, I believe many of their fears can be addressed, since China's current ability to dump steel products in the U.S., and anywhere else, can now be met head-on with a WTO dispute settlement judgment that would bring sanctions against the Chinese, not just from the U.S., but from the entire world.

I have worked hard to assure the steel interests in Utah regarding the passage of PNTR. We passed the Steel Trade Enforcement Act of 1999, which requires the President to consult with steel companies suffering from dumping and to get their consent as a condition for lifting dumping-related sanctions.

Finally, a third advantage is afforded the steel industry in the U.S.-China Bilateral Trade Agreement, which has a 12-year restriction on exports from China that surge into the U.S. causing sudden, often irreparable harm to this important sector of our economy.

The fact is, the American economy dominates, and has benefitted enormously from, the global marketplace. That includes Utah. Today, 5.2 percent of Utah's gross state product comes from merchandise exports. Utah sent $2.6 billion of exports into the global marketplace in 1999, and we expect an increase of about five percent in export volume for the year 2000.

Trade-related jobs in the state, especially in the manufacturing sector, are more stable, pay better, and tend to demand higher skills. International trade competition is good for Utah.

There have been, and will be, job losses, but Utah's economy has absorbed them. But, Utah also provides an excellent system for assisting workers make transitions to new positions, including education and training trade-displaced persons for new skills in new industries. I will continue to support these programs.

Utah has the right type of industrial base. We have an unmatched business climate for export-oriented companies. My state's population is sophisticated in terms of linguistic skills, cultural experience and tolerance, foreign travel, overseas living experience. Our infrastructure is in place: we have an international airport; our ports of entry are modern and automated; our freight forwarding and customs brokerage communities are highly efficient; our merchandise and commercial banking, insurance and other financial institutional base is competitive with any region in the world. We are poised for another economic take-off, and passage of PNTR so that China and the U.S. can actively participate in the WTO is essential.

Mr. President, the WTO enhances the free market principles that I have been committed to since I came to the Senate in 1977. I remain a conservative who believes that the lessons of the 20th century regarding the relationship between the free market and individual freedoms are incontrovertible.

I remain convinced of the theses presented by such great thinkers as the Austrian economist Friedrich Hayek and the American Nobel Laureate Milton Friedman. Capitalism cannot exist without expanding individual freedoms. And the growth of individual freedom is antithetical to authoritarian control.

I believe that the opportunities of a free market which have so essentially contributed to our own growth and development will also benefit societies all over the world.

From this perspective, I have been a little disappointed by the way some members have characterized aspects of this debate, particularly when they used the term greed in opposition to national security interests. I do not believe the promotion of capitalism is synonymous with the promotion of greed. It is an excess of self-interest that can lead to greed; but greed, of course, is not limited to capitalist societies, and I wish to make clear that I believe that those who are promoting PNTR for China are doing so for honorable reasons, and not for greed.

Moreover, for individual corporations, PNTR is no guarantee of success. Companies must still manufacture and market a good product. They must still be competitive.

I have spoken at length about the commercial benefits of granting PNTR for China for Utah, as numerous other speakers have discussed the benefits to their states. But our duties here as Senators require that we always consider the national interest as well as the local interest. And, in this debate, we have revisited again, throughout the exchanges we've had on numerous amendments, the broader question of the U.S.-Sino bilateral relationship and American national security interests.

Let me be clear: I deplore the appalling human rights situation in China today, including the repression of political expression and other fundamental expressions of human conscience. I deplore the repugnant practices in forced abortion and organ harvesting. All of this is evidence of the continuing level of social backwardness and political barbarism that remains in effect in many parts of China.

But there is a relationship between barbarism and economic autarky that cannot be denied. The peak of modern China's human rights atrocities—measured on a grotesque scale in human casualties—occured during a period when China was in self-imposed economic and political isolation from the rest of the world. During Mao's reign, through the Cultural Revolution, and prior to the opening to the rest of the world orchestrated by President Richard Nixon, over 40 million Chinese were murdered or starved by their government. What a tragic reality that is, Mr. President, but reality it is.

Capitalism corrodes communism, Mr. President. Opportunity crowds out totalitarianism. We have certainly seen that occur since Deng Xiaoping realized that the only way China could develop—could, in fact, recover from nearly a quarter century of Mao's economic nihilism—was to open to the world and to engage the free market.

One thing I'm not, Mr. President, is a pollyanna. As I've said, I am aware of the political and human rights conditions in China today.

The fact is that many of the Chinese are also aware of the situation. The abortion policies, for example, are not supported by the Chinese people. Some Chinese are even becoming aware of a growing social problem called by scholars here the ''surplus males phenomena.'' Dr. Valerie Hudson of Brigham Young University has done excellent work in this area.

Orwellian population practices in China have had the effect of creating a growing demographic imbalance in Chinese society between men and women. As the demographic bulge in men moves into young adulthood, Chinese society will grapple with a surfeit of unmarried men. The potential consequences for internal and external instability should be of great concern to the Chinese authorities, as well as for us. These are the consequences of the communist control over families for the past two generations.

China has a huge population with a small percentage of arable land. The

Maoist answer was to kill large segments of the population through starvation and promote the most inhumane abortion policies in the modern era. As China has opened up to the rest of the world, however, the Chinese are starting to recognize that the answer to population pressures is not a totalitarian abortion policy, but economic development that can support families.

The best example for them is Hong Kong, which has a large population on a piece of land that has virtually no natural resources, except a harbor. Capitalism provided the economic development that launched Hong Kong into the developed world, probably beating the PRC to that level of economic development by at least a century, if current predictions hold.

Mr. President, I support PNTR because I want to see an end to the barbarisms, such as the abortion policies, of the Chinese police state. Capitalism corrodes communism.

We have had a long debate on a number of amendments. Frankly, many of these amendments, all of which have been defeated on this bill, would pass the Senate as amendments to other legislative vehicles, or as stand-alone bills. Certainly the debate over China's deplorable record on proliferation, and the legislative proposal presented by the Thompson-Torricelli amendment, are worthy of further discussion and review.

While we will end the annual most-favored nation review of the PRC, nothing of this PNTR debate proscribes the Senate from future initiatives regarding the bilateral U.S.-Sino relationship.

Mr. President, sometime, I believe within my lifetime, there is going to be a change in China. There will be a transition from the current police state. I am quite certain of that.

I am somewhat less certain—as is any other analyst—about what the change will be. The analysts have parsed out the possibilities for us, including chaos and disintegration, a new Chinese fascism, or another Chinese democratic state. I say ''another,'' because Taiwan has demonstrated conclusively that there are no particular Asian values that prevent the Chinese people from developing, nurturing and robustly practicing democracy.

United States policy cannot guarantee the outcome of the transition in mainland China—it would be naive to think otherwise. But we can influence the evolution toward the most desirable outcome. That means promoting economic development and the values of the free market in China. We should plant these seeds, Mr. President.

A vote for PNTR is a vote for promoting economic markets for Utah and other American companies, for promoting economic development in China, and for promoting the rule of law in China. PNTR is a promising means of accomplishing these goals, not just for the benefit of U.S. commerce, but also for long-term U.S. strategic interests.

Mr. BIDEN. Mr. President, the issue before the Senate today is not a mundane redefinition of China's status under our trade laws. Nor does it mark a profound shift in our policy toward the most populous nation on earth.

The question before us—neither mundane, nor profound—is nonetheless of vital importance to the future or our relationship with China. Granting China PNTR and bringing China into the global trading regime continues a process of careful engagement designed to encourage China's development as a productive, responsible member of the world community. It is a process which has no guarantees, but which is far superior to the alternatives available to us.

Our decision on normalizing trade with China is best understood in its historical context. The search for a truly modern China is now more than a 100 years old. It arguably began at the turn of the last century with the collapse of the Qing Dynasty and the birth of the Republic of China under Sun Yat-sen. The search has continued through Japanese invasion, a bloody civil war, the unmitigated disaster of the Great Leap Backwards), the social and political upheaval of the Cultural Revolution, and now through two decades of economic opening to the outside world.

Viewed in this context, a vote for permanent normal trade relations says that we welcome the emergence of a prosperous, independent, China on the world stage. It also says we want China to be subject to stronger, multilateral rules of economic behavior—rules about international trade that will influence the structure of their internal social, economic, and political systems.

Granting permanent normal trade status to China is not a new direction in our relationship with China, Mr. President, but it is an important change in the means we choose to pursue it. We have the opportunity to move some, but not all, of our dealings with China into a new forum; the forum of established, enforceable international trade rules. This will take our economic relationship to a new level; a level commensurate with the importance of our two economies to the world.

As important as this legislation is to our overall relationship with China and to our aspirations for China, we must keep our expectations in check. The reality is that extending permanent normal trade relations to China will not magically cause China's leaders to protect religious freedom, respect labor rights, or adhere to the terms of every international nonproliferation regime.

No single piece of legislation could accomplish those objectives: indeed, these changes ultimately must come from within China, with such encouragement as we can provide from outside.

Some of our colleagues disagree on this point. They would have preferred that the China trade bill be turned into an omnibus China Policy Act. I understand their objectives and their frustration with the slow pace of reform in China. But amendments offered by Senator SMITH of New Hampshire—covering such diverse issues as POW/MIA cooperation, forced labor, organ harvesting, etc.—and Senator WELLSTONE of Minnesota—conditioning PNTR on substantial progress toward the release of all political prisoners in China—pile too much onto this legislation. Moreover, those amendments would effectively hold the trade legislation hostage to changes in China which passing the trade bill would promote. This seems backwards to me.

Other colleagues have such a deep reservations about trading with China that they proposed amendments which would essentially have taken the ''Permanent'' and the ''normal'' out of permanent normal trade relations. Amendments offered by the junior Senator from South Carolina, Senator HOLLINGS, and the senior Senator from West Virginia, Senator BYRD, reflect a deep ambivalence about the benefits to the United States of trading with China. As I will discuss later, I share the Senators' skepticism about the grandiose claims some have made about the economic benefits which will flow to the United States from this trade agreement. But we are not voting on whether to trade with China. We are voting on whether to lock in concessions by China to open its market to the United States. That is why I opposed their amendments.

My opposition to efforts to turn this trade bill into an omnibus China Policy Act, and my opposition to efforts to take the ''P'' and the ''N'' out of PNTR, does not mean that I found all the amendments offered during the previous two weeks of debate without merit.

Indeed, on their own merits, I would have supported a number of the amendments offered by my colleagues. If we had considered this legislation in May, June, or July, there might have been a realistic possibility of resolving differences between the House and the Senate versions of this bill. Under those circumstances, some amendments offered here in the Senate might well have been appropriate.

For instance, Senator FEINGOLD offered an amendment to improve the Congressional Executive Commission on China to be established under the terms of H.R. 4444. The modest changes in the commission suggested by the Senator from Wisconsin are reasonable, and include making sure that the commission produces concrete recommendations for action and that it

reports equally to both the House and the Senate. I hope that we might revisit this issue to ensure that the special commission on China is as effective as it can be.

Another Foreign Relations Committee colleague, Senator WELLSTONE, offered several meritorious amendments, including one endorsing the recommendations of the U.S. Commission on International Religious Freedom with respect to China policy, and another requiring the President to certify that China is in compliance with certain memoranda of understanding regarding prohibition on import and export of prison labor products.

We should seriously consider the input of the religious freedom commission and we should hold China accountable for its failure to implement agreements with the United States, and I look forward to working with my colleagues on these issues in the future.

Finally, the chairman of the Foreign Relations Committee offered several amendments, including one expressing the sense of Congress condemning forced abortions in China. No member of Congress condones the practice of coerced abortion in China or anyplace else. Senator HELMS, who opposes normalizing our trade with China, knows that, which is why he offered his amendment.

Now I share the revulsion of the senior Senator from North Carolina toward forced abortion. It is beyond the pale. But I'm concerned—as I believe the Senator well knows—that his amendment would imperil the entire bill and risk a major setback in our efforts to achieve the very goals we both seek.

Sadly, that is the predicament we find ourselves in now. By delaying consideration of this historic legislation until the last days of this Congress, the Republican leadership has effectively denied the Senate the opportunity to debate the merits of various amendments without also considering the impact that any amendment, no matter how reasonable, would have on the prospects of passing the trade bill during this session of Congress.

So, I approach the pending vote on final passage with some frustration at the process, but which considerable confidence that extending permanent normal trade relations to China is in the best interests of both the United States and the people of China.

I have listened carefully and respectfully to my colleagues on both sides of the aisle and on both sides of this question. I share with many of my colleagues a feeling of deep dissatisfaction with the many deplorable aspects of China's domestic and foreign policies.

But, for reasons I want to make clear today, I do not share the belief that by preserving the status quo in our relations with China we will see progress.

This, in a nutshell, is the question before the Senate: shall we stick with the status quo? Or shall we join with virtually every other advanced economy in the world, and endorse the membership of China in a rule-based organization that will help to encourage many of the changes in Chinese behavior that the opponents of permanent normal trade relations say they want to see?

While there are few simple answers to the many questions raised by China, one thing seems clear: If we don't like Chinese behavior now, why vote to preserve the status quo?

The answer, say some of my colleagues, is that we must preserve the annual review of China's trade status to keep the spotlight turned on China.

There are two problems with this answer, in my view. First, we have never, not once in the two decades of annual reviews of China's trade status, voted against renewal of normal trade relations. Not after the tragedy of Tiananmen Square, not after missile launches against Taiwan, not after so many other provocations, broken promises, and disappointments. Annual review of China's trade status is an empty threat—an excuse for a ritual that at one time may have served a purpose, but that no one can seriously argue today has an affect on China's behavior.

The second problem with this argument lies in the premise that extending permanent normal trade relations to China means taking China out of the limelight. I submit to you that anyone who thinks China is going to escape scrutiny by the U.S. Congress and the American people just because it enjoys normal trading privileges with us doesn't know beans about politics.

As I understand their arguments, those who will vote against normalizing our trade relationship with China believe China's foreign and domestic policies remain so objectionable under the system of annual review that we should not, as they put it ''reward'' China with permanent normal trade relations.

But if there has been no improvement in China's human rights record over the past two decades, why should we persist in the fiction of annual review, repeating the empty threat that we might withdraw normal trade relations? What has the annual review gained us?

I see the situation differently, Mr. President, I believe China is changing. China is far from the kind of country that we want it to be, or that its own long-suffering citizens are now working to build. But no single snapshot of unsafe working conditions, of religious and political repression, of bellicose pronouncements about Taiwan, will do justice to the fundamental shifts that are underway in China.

An objective assessment of China over the past two decades reveals sweeping changes in almost every aspect of life—changes facilitated and accelerated by China's opening to the world. These changes are not the result of our annual review of China's trade status. The roots of change reach much deeper than that.

China's leaders have consciously undertaken—for their own reasons, not ours—a fundamental transformation of the communist system that so long condemned their great people to isolation, poverty, and misery. They have been forced to acknowledge the failure of communism, and have conceded the irrefutable superiority of an open market economy. The result has been a marked improvement in living standards for hundreds of million of Chinese citizens.

This growing prosperity for the Chinese people, in turn, has put China on a path toward ever greater political and economic freedom. The Chinese people, taking responsibility for their own economic livelihood, are demanding a greater voice in the governance of China.

This is not just my analysis.

This is also the view of people inside and outside of China who are struggling to deepen China's reforms and to extend them into the political arena.

Dai Qing, a former Chinese rocket scientist turned political dissident and environmentalist, testified passionately in support of permanent normal trade relations before the Senate Foreign Relations Committee in July. She said, ''PNTR will help reduce governmental control over the economy and society; it will help to promote the rule of law; and it will help to nourish independent political and social forces in China.''

Wang Dan, the Beijing University student who helped lead the Tiananmen Square protests and now lives in exile, says, ''Economic change does influence political change. China's economic development will be good for the East, as well as for the Chinese people.''

And Xie Wanjun, the Director of the Overseas Office of the China Democratic Party—a party banned within China—says,

> We support unconditional PNTR with China by the U.S. government. . . . We believe the closer the economic relationship between the United States and China, the more chance for the U.S. to politically influence China, the more chances to monitor human rights conditions in China, and the more effective the U.S. will be to push China to launch political reforms.

Martin Lee, Chairman of Hong Kong's Democratic Party, supports China's entry into the World Trade Organization and the granting of permanent normal trade relations. ''The participation of China in WTO would not only have economic and political benefits, but would also serve to bolster those in China who understand that the country must embrace the rule of law. . . .''

And Chen Shui-Bian, Taiwan's democratically elected President, said last spring,

We feel that a democratic China will contribute to permanent peace in this region. Therefore, we support U.S. efforts to improve relations with China. While we seek to normalize the cross-strait relationship, especially in the area of business and trade, we are happy to see the United States and China improve their economic relations. Therefore, I am willing to support the U.S. normalization of trade relations with the PRC.

It's not must dissidents and leading Chinese democracy advocates who support PNTR.

At this time, I ask unanimous consent to introduce into the RECORD recent statements by former Presidents Gerald Ford and Jimmy Carter, former Secretaries of State Henry Kissinger and James Baker, Chairman of the Federal Reserve Alan Greenspan, chairman of the Christian Broadcasting Network Pat Robertson, former National Security Advisory Brent Scowcroft, and yes, even former President of the United Auto Workers and former U.S. Ambassador to China Leonard Woodcock, all of whom support extension of permanent normal trade relations to China.

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

QUOTES IN SUPPORT OF PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Former President Gerald Ford: ''the facts are a negative vote in the House and/or the Senate would be catastrophic, disastrous to American agriculture; electronics, telecommunications, autos and countless other products and services. A negative vote in the Congress would greatly assist our foreign competitors from Europe or Asia by giving them privileged access to China markets and at the same time, exclude America's farm and factory production from the vast Chinese market.'' [remarks at distinguished Americans in Support of PNTR event, 5/9/2000]

Former President Jimmy Carter: ''China still has not measured up to the human rights and democracy standards and labor standards of America. But there's no doubt in my mind that a negative vote on this issue in the Congress will be a serious setback and impediment for the further democratization, freedom and human rights in China. That should be the major consideration for the Congress and the nation. And I hope the members of Congress will vote accordingly, particularly those who are interested in human rights, as I am; and those who are interested in the well-being of American workers as I am.'' [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Alan Greenspan, Chairman of the Federal Reserve: ''The outcome of the debate on permanent normal trade relations with China will have profound implications for the free world's trading system and the long-term growth potential of the American economy . . . The addition of the Chinese economy to the global marketplace will result in a more efficient worldwide allocation of resources and will raise standards of living in China and its trading partners . . . As China's citizens experience economic gains, so will the American firms that trade in their expanding markets . . . Further development of China's trading relationships with the United States and other industrial countries will work to strengthen the rule of law within China and to firm its commitment to economic reform . . . I believe extending PNTR to China, and full participation by China in the WTO, is in the interests of the United States.'' [press statement at the White House, 5/18/2000, including quote from Greenspan letter to House of Representatives Banking Committee Chairman James Leach released 5/8/2000]

Former Secretary of State Henry Kissinger: ''The agreement is, of course, in our economic interest, since its grants China what has been approved by the Congress every year for 20 years. But we are here together not for economic reasons. We are here because cooperative relations with China are in the American national interest. Every President, for 30 years, has come to that conclusion.'' [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Former Secretary of State and Treasury James Baker: ''As a former Secretary of Treasury and of State, I believe that normalized trade with China is good for America on both economic grounds and security grounds. It will help move China in the direction of a more open society, and in time, more responsive government. As such, normalized trade relations with China will advance both our national interests, as well as our national ideals, in our relations with the world's most populous country.'' [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Pat Robertson, Chairman of the Board and CEO, The Christian Broadcasting Network, Inc.: ''If the US refuses to grant normal trading relations with the People's Republic of China, and if we significantly curtail the broad-based economic, education, social and religious contacts that are being made between the U.S. and China, we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.'' [letter to Congressman Joseph Pitts, 5/10/2000]

Brent Scowcroft, USAF Lt. Gen (ret) and former National Security Advisor: ''I'm strongly in favor of granting permanent normal trade relations to China, not as a favor to China, but because doing so would be very much in the U.S. national interest. This, in my judgment, goes far beyond American business and economic interests, as important as these are, to key U.S. political and security interests . . . This may be one of those rare occasions on an important issue where there's virtually no downside to taking affirmative action. We cannot ourselves determine the ultimate course China will take. And denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified. But we can take steps which will encourage China to evolve in directions compatible with U.S. interests. To me, granting permanent normal trade relations is one of the most important such steps that Congress can take.'' [testimony before the Senate Commerce Committee, 4/11/2000]

Leonard Woodcock, former president of the United Auto Workers and former U.S. Ambassador to China: ''I have spent much of my life in the labor movement and remain deeply loyal to its goals. But in this instance, I think our labor leaders have got it wrong . . . American labor has a tremendous interest in China's trading on fair terms with the Untied States . . . The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal.'' [Washington Post, 3/8/2000]

Mr. BIDEN. Finally, I would like to point out that my support for permanent normal trade relations with China is based not just on an assessment of the economic benefits to the U.S., not just on the prospects for political reform in China, but also on the impact on our national security. As I discussed during the debate on the Thompson amendment at some length, improving our trade relations with China will help put the overall relationship on a sounder footing. We need to cooperate with China to rein in North Korea's nuclear missile ambitions, to prevent a destabilizing nuclear arms race in South Asia, and to combat the threats of international terrorism and narcotics trafficking. We cannot work effectively with China in these areas if we are treating them as an enemy in our trade relations.

Let me quote General Colin Powell, former chairman of the Joint Chiefs of Staff: ''I think from every standpoint—from the strategic standpoint, from the standpoint of our national interests, from the standpoint of our trading interests and our economic interests—it serves all of our purposes to grant permanent normal trading relations.''

So, with all due respect to my colleagues who have brought before us the images of the worst in China today, we must keep the full picture before us and keep our eye on the ball. China is changing. We must do what we can to encourage those changes.

Can we control that change? Of course not. We know that not even those who currently hold the reins of power in China are confident that they can control the process that is now underway. What little we know of internal debate in China tells us that support for China's entry into the world Trade Organization is far from unanimous there.

It is those who are most closely tied to the repressive, reactionary aspects of the current China who are most opposed to this profound step away from China's Communist past. I urge my colleagues who so rightly and so passionately seek change in China to pause and reflect on that.

While we cannot dictate the future of China, we can—we must—encourage China to follow a course that will make it a more responsible, constructive member of the community of nations.

That is why I am proud of my sponsorship of legislation which created Radio Free Asia, and am pleased that the bill before the Senate includes increased support for the broadcast of independent news and analysis to the people of China. The opening of China—to investment, to trade, to travel, and yes, to foreign news sources—is a necessary ingredient to the process of economic reform and political liberalization.

Some of my colleagues have argued that we must not cast our vote on PNTR simply on the promise of increased commercial opportunities for American corporations. I agree, Indeed, unlike some of my colleagues—on both sides of this question, pro and con—I do not see the question of China's trade status simply in terms of the economic implications for the United States.

I do not anticipate a dramatic explosion in American jobs, suddenly created to fuel a flood of exports to China. Nor do I see the collapse of the American manufacturing economy, as China, a nation with the impact on the world economy about the size of the Netherlands', suddenly becomes our major economic competitor.

Both the opponents and proponents of PNTR, I believe, have vastly oversold the economic impact of this legislation.

For the record, let me say a few things about that aspect of this issue. First and foremost, this vote will not determine China's entry into the WTO. With or without our vote of support here, China will become a member of the only international institution—created by and, yes, strongly influenced by, the advanced industrial economies of the world—in a position to formulate and enforce rules of fairness and openness in international trade.

The issue for us is what role will we play in that process—will we put the United States on record in support of change in China's economic relations with the rest of the world? Will we put the United States on record in support of China's participation in a rules-based system whose basic bylaws will require fundamental changes in the state-owned enterprises, in the People's Liberation Army conglomerates that are the last bastions of the failed Chinese system?

Or will we put ourselves on the sidelines, and on record in favor of the status quo?

Will we accept the deal negotiated between the United States and China last year, in which China made every concession and we made none?

Will we accept the deal which opens China's market to products such as Delaware's chemical and poultry exports, to Chrysler and General Motors exports?

Or will we consign ourselves to the sidelines while other nations cherry-pick Chinese markets and are first out of the gate in building distribution and sales relationships there?

Our course is clear. China's growing participation in the international community over the past quarter century has been marked by growing adherence to international norms in the areas of trade, security, and human rights. If you want to know what China looks like when it is isolated, take a look at the so-called Great Leap Forward and the Cultural Revolution. During those periods of modern Chinese history perhaps 20 million Chinese died of starvation, religious practice was almost stamped out entirely, and China supported Communist insurgents in half a dozen African and East Asian countries.

I will cast my vote today in favor of change, in favor of closing that sad chapter in China's long history.

Mr. President, I will cast my vote with Wang Dan, Dia Qing, Martin Lee, Chen Shui-bian, and the other courageous advocates for political and economic reform in China.

Let us continue to seek change in China, to play our role in the search for a truly modern China.

Mr. THURMOND. Mr. President, I rise today to discuss my concerns and views as the Senate moves toward final passage of the bill extending permanent normal trading relations to the People's Republic of China.

I have diligently listened to the debate in the Senate and have given careful consideration to all points of view. This has been a valuable debate. It has educated the American people and has provided the international community with a statement of American values and ideals.

The intentions and actions of the Government of the Communist Party of China do give me concern. The record of China has been thoroughly discussed during this debate. There is no question that reforms are overdue to improve China's record related to human rights, religious liberty, environmental protection, and the conditions of workers. Furthermore, China's record on proliferation of weapons technology is dangerous both to the region and to the entire world. China's abuses of trade agreements has been well documented. Finally, the belligerence shown toward Taiwan has been disconcerting, if not alarming.

Many amendments were offered to this legislation to address these and other issues. I supported many of those amendments, and am disappointed that the Senate felt it could not amend this bill, strictly for procedural reasons. Nevertheless, I must emphasize to the world community in general, and specifically to China, that the rejection of these amendments does not mean the United States is unconcerned about these matters.

Given China's record, why should the United States grant permanent normal trade relations? I believe, that in the long term, Americans as well as Chinese will be better off as China joins the international economic system.

There is no doubt there will be obstacles and slow progress in the short term. It will take years for the Chinese to fully open up their economy and develop the legal infrastructure that will facilitate trade and commerce. I recognize that China has made fundamental internal economic reforms, moving away from a Marxist state run economy and centralized planning. The liberalization of external trade should provide the next step in the process of giving the individual Chinese more choices. The overall effect will be that as the Chinese economy improves, Chinese workers will be lifted from poverty. This, coupled with the development of a legal framework for commerce, will lay the foundation for democracy and religious freedom.

It is essential that China follow through on its obligations to the Chinese people to advance democratic reforms, to promote human rights, and to create greater economic equality for all its citizens. The road to democracy is paved with free markets. Free trade is the bridge to reach out to the Chinese.

This opening of Chinese markets will be good for South Carolinians, specifically, and Americans, generally. In the long run, America's workers and farmers will benefit from improved trade with China and access to what is potentially the world's largest market. Passage of this bill will ensure a reduction in tariffs on American products. Chinese consumers will be able to obtain high-quality U.S. agricultural and manufactured goods and business services.

With China's permanent normal trade status and eventual membership in the World Trade Organization (WTO), there will be stronger incentives for China to honor its commitments to lowering trade barriers. Finally, the United States will have access to the WTO's dispute resolution process to arbitrate trade disputes and seek enforcement of agreements. In short, China will be required to ''play by the rules.''

Again, I do not expect all of this to go smoothly. But I do anticipate that opening economic doors will open other opportunities for prosperity and freedom for the Chinese people. As China develops a vibrant free market and a more open and democratic society, the Chinese people will be better off, American security will be strengthened, and the prospects for international peace will be greatly improved.

Therefore, Mr. President, despite my many concerns, and realizing this is a long-term process, I support the extension of Permanent Normal Trade Relations with the People's Republic of China. I appreciate that the bill also establishes a framework for monitoring trade agreements and for reviewing our relations with China. I strongly encourage the next administration to be more vigilant in addressing national security issues related to China. Finally, I am hopeful that expanding trade with China will provide opportunities for resolving our differences in other areas.

Mr. DASCHLE. Mr. President, since the House vote, virtually every news

account of this trade agreement has called its passage by the Senate all but certain. After months of such predictions, some people might conclude that the votes we are about to cast are a mere formality. They are not. We are making history here. The votes we cast today will have consequences. Those consequences will affect our economic interests, and our national security interests, for decades to come.

In one sense, the question before us is simple: Should we grant China the same trading status as we grant nearly every other nation in the world? Behind that question, though, is a larger question. China is home to 1.2 billion people—one-fifth of the world's entire population. What kind of relationship do we want with China? Do we want a China in which American products can be distributed—and our beliefs can be disseminated? Or do we want a China that continues to erect barriers to American goods and American ideals? Which China is better for our future? That is the question at the heart of this debate.

Someone who knew something about China answered that question this way. ''Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors.'' My friends, it was not President Clinton who said that. It was not Ambassador Barshefsky, or anyone from this Administration. Richard Nixon wrote that—in 1967. Five years later, of course, President Nixon made his historic journey to China, ending 20 years of stony silence between our two nations.

History has shown the wisdom of that journey. Six years after President Nixon visited, China opened its economy—at least in part—to the outside world. Since then, China's economy has been transformed—from a 100-percent state-owned economy to an economy in which the state accounts for less than one-third of China's output. Along with this economic change has come social and political change. China is now taking the first tentative steps toward democratic local elections. Private citizens are buying property. People are being given more freedom to choose their schools and careers. You can now find articles critical of the government in the Chinese press, and a wider selection of books in Chinese bookstores. Now, China is ready to open its door to the outside world even further. The question is: Are we going to walk through that door?

Several people deserve special thanks for helping us reach this point. First among them is the President. One reason our Nation's economy is so strong today is because this President understands the New Economy. He understand that, to win in the New Economy, we need to maintain our fiscal discipline, invest in our future competitiveness and open up new markets for the products Americans produce. Under his leadership, we have negotiated more than 300 trade agreements with other nations. Among those agreements, none is more significant than this agreement with China. And none holds more potential promise for our future.

I also want to acknowledge the President's team—particularly Charlene Barshefsky—for her extraordinary skill in negotiating this agreement. I also want to thank our colleagues in the House, SANDY LEVIN and DOUG BEREUTER, for their bipartisan efforts to further improve on the Administration's efforts. The Levin-Bereuter improvements—particularly the creation of the human rights commission—are thoughtful solutions to concerns some of my colleagues and I had about the original agreement. Representative LEVIN and I spoke frequently about those improvements during that process. I know I speak for many in this chamber when I say we appreciate the great care he took to make sure his improvements addressed our concerns, as well as the concerns of our House colleagues.

Here in this chamber, I want to thank Senator MOYNIHAN, our ranking member on the Finance Committee, for his tireless efforts to pass this agreement. His accomplishment is a fitting conclusion to an historic career. I also want to thank Senator BAUCUS, who is a real leader on trade issues; Chairman ROTH, for his bipartisan leadership and determination to pass this agreement; and of course the Majority Leader, for his cooperation and leadership as well. Finally, I want to thank my colleagues who voted against sending this agreement back to the House. Their decision to focus on our trade relationship with China and leave other important questions about that relationship for later was not an easy decision to make. But it was necessary. I thank them for making it.

We have heard many eloquent arguments for—and against—this bill. That's as it should be. Critical decisions require careful deliberation. No one who values the freedoms we enjoy as Americans can possibly condone what we have heard about human rights, workers' rights, and religious freedom in China. None of us approves of China's frequent hostility, in the past, to the rule of law. I certainly do not. I intend to vote for this agreement, however, not to reward China for its past, but to engage China and help it create a different future.

In the 22 years since it re-opened its doors to outside investors, China's economy has grown at a rate of 10 percent a year. Still, China remains—by Western standards—a largely poor and underdeveloped nation. Reformers there understand that the only way China can build a modern economy is by becoming a full and accountable member of the international trade community. In exchange for the right to join the World Trade Organization, they have therefore committed—in this agreement—to make a number of extraordinary and fundamental changes.

Under this bilateral agreement, China has agreed to cut tariffs on US exports drastically. Tariffs on agriculture products will be cut by more than half—from 31 percent to 14 percent Tariffs on industrial products will be cut by nearly two-thirds—from about 25 percent to 9 percent. And tariffs on American computers and other telecommunications products will be eliminated entirely. On our end, this agreement does not lower a single tariff or quota on Chinese goods exported to the U.S. Not one.

China has also agreed to lower or eliminate a number of non-tariff barriers that now make doing business in China extremely difficult. Under this agreement, American businesses will be able—for the first time—to sell and distribute their own products in China. The Chinese government will no longer be the monolithic middle man in every business deal. In addition, American businesses will no longer be forced to include Chinese-made parts in products they sell in China.

To appreciate the magnitude of these concessions, you need to understand the hold the Chinese government now has on China's economy and—by extension—its citizens. Today in China, the state decides what products may be imported, and by whom. The state decides who may distribute and sell products in China. State-owned banks decide who gets capital to invest. For the more than half of China's workers who are still employed by state-owned enterprises, the state decides how much they earn, whether they are promoted, even where they live.

But the state's grip on its citizens' lives is starting to weaken and will weaken further with this agreement. Nicholas Lardy, a China scholar with the Brookings Institution, notes that ''the authoritarian basis of the Chinese regime is (already) . . . eroding. . . .'' By agreeing to let its citizens own their own businesses, and buy products and services directly from the outside world, the Chinese government is agreeing to further relax its authoritarian grip on its people. That is not just in the interests of Chinese reformers. It is in our interests as well.

None of us can know, with absolute certainty, the effect these new economic freedoms will have on China. But I had an experience a few years ago that makes me think there is reason to be hopeful. I was with two other Senators on a bipartisan trip to the republics of the Former Yugoslavia. We were there to assess what progress was being made under the Dayton peace agreement, and what help the republics

might need to rebuild politically and economically.

One day, in Albania, I was talking to a man in his early 30's. As you know, until 1992, Albania was arguably the most closed society in the world. No one entered or left. And no new information was allowed in except what the government permitted. The man I talked with said that when he was a boy, if someone had a satellite dish, and they turned it to face the sea, to receive uncensored information from Italy, police would come and turn the dish around. That was for the first offense. If the police had to come a second time, they took you off to jail.

Then the communications revolution occurred—the explosion of e-mail and Internet. Suddenly, the government couldn't just pull the plug, or turn the satellite dish around. Suddenly, Albania was connected to the rest of the world.

Today, Albania is struggling to create a free society and a free economy. The man I spoke with told me he hopes the Albania of the future looks like America.

Today, fewer than 2.5 percent of China's people own personal computers. And fewer than 1 million Chinese have access to the Internet. By the end of this year, there will be 10 million Internet users in China. By the end of next year, it's expected there will be 20 million.

Recent attempts by China to police the Internet, and punish advocates of democratic reform, are troubling to all of us. They are also destined to fail. By eliminating all tariffs on information technology in China, liberalizing distribution, and allowing foreign investment in telecommunications services—the infrastructure of the Internet, this agreement will accelerate the telecommunications revolution in China. That is not just in the interest of Chinese reformers. It is in our interest as well.

Some have expressed concerns about whether China will honor the commitments it makes in this agreement, and whether this agreement is enforceable.

Their concerns are understandable. China has no history with the rule of law, as we know it. The important point is: by entering the WTO, China is agreeing—for the first time—to comply with the rules of the international trade community. It is agreeing to settle its trade disputes through the WTO, and to honor the WTO's decisions in those disputes. If it does not, it will face sanctions.

This is a fundamental change. In previous disputes with China—including our disagreements over intellectual property rights—we have had to fight alone. But there are 135 members in the WTO. Under this agreement, we will be able to work with those other nations, many of whom share our concerns. China's ability to pit its trading partners against each other will be greatly diminished. By agreeing to these terms, China is, in fact, agreeing to live by the rule of law. And while that agreement may be limited—for now—to trade issues, eventually it is likely to be extended to other areas as well—including human rights.

Rejecting this agreement, on the other hand, is likely to harm the cause of civil rights in China. Former President Jimmy Carter—one of the world's most respected human rights advocates—has said: ''There's no doubt in my mind that a negative vote on this issue in the Congress will be a serious setback and impediment for the democratization, freedom and human rights in China.''

Respected Chinese democracy advocate Martin Lee agrees. In a letter to President Clinton, Lee wrote that this agreement ''represents the best long-term hope for China to become a member in good-standing in the international community.'' Should the agreement fail, he added, '' we fear that . . . any hope for political and legal reform process would also recede.'' Clearly, it is in the interest of Chinese reformers to prevent such a failure. But it is in our interest as well.

There is another reason this agreement is in our national interest, Mr. President. It will strengthen peace and stability throughout Asia—particularly in Taiwan. Why? Because the more China trades, the more it has to lose from war. Taiwan's newly elected President, President Chen, supports China's entry into the WTO.

By passing this agreement, we would put the United States Congress on record as saying: ''If China is admitted to the WTO, Taiwan must be permitted, too—without delay.'' China has already agreed, as part of this agreement, to accept that condition.

As I said, Mr. President, under this agreement, China is lowering its tariffs; we are not lowering ours. China is reducing or eliminating its non-tariff barriers; we are not. There is another way to evaluate the benefits of this agreement. That is by comparing China's WTO commitments to those of another huge, largely poor and under-developed nation: India.

India places a 40 percent tariff on US consumer goods. Under this agreement, China will lower its tariffs to 9 percent. India places a 30 percent tariff on agriculture products. Under this agreement, China will reduce its agriculture tariffs to an average of 14 percent. In addition, China will eliminate all agriculture subsidies to its farmers. That's something not even our closest ally, the European Union, has agreed to do.

Four years ago, Congress re-wrote the rules that had governed farming in this country for 60 years. Supporters of the new rules said at the time that America's farmers didn't need a safety net any more because they would make so much money selling their products to new markets around the world. But that isn't what happened.

Instead of prospering in this New Economy, over the last four years, family farmers and ranchers in South Dakota and across the country have suffered through the worst economic crisis since the Great Depression. Obviously, the lack of new market opportunities isn't the only reason Farm Country is hurting, Mr. President. But opening new markets for American farm products is a necessary part of the solution to the farm crisis.

It's time for this Congress to keep its commitment to family farmers and ranchers. It's time—at the very least—to provide access to the new markets we said would be available when the rules were re-written four years ago. The South Dakota Wheat Growers Association is right. ''We have everything to gain by approving PNTR with China, and nothing to lose.''

One lesson we have learned from past experience is that trade agreements must be specific. That is why this agreement is painstakingly detailed. Every commitment China is making is clearly spelled out, in black and white. We also know from past experience that no trade agreement—not even one with a nation as large as China—will solve all of our economic challenges.

Even if we pass this agreement, we will still have a responsibility to fix our federal farm policy—so family farmers and ranchers can get a fair price for their products. We will still have a responsibility to make sure all American workers can learn the new skills required by this New Economy. And we will also still have a responsibility to monitor how this agreement is enforced.

We have heard a great deal of concern during this debate—and rightly so—about how China limits the rights of its citizens to organize their fellow workers, or pray to their own God. Basic legal safeguards and due process in China are routinely ignored in the name of maintaining public order. News reports just before we started this debate told of Chinese being jailed because they practice their faith in ''non-official'' churches. Several key leaders of the China Democracy Party have been jailed because they advocated for democratic change. Workers rights are tightly restricted, and forced labor in prison facilities continues.

Let me be very clear: No one should confuse endorsement of this trade agreement with endorsement of these and other assaults against basic human rights. Such practices are abhorrent and deeply troubling to Americans, and to freedom-loving people everywhere.

As part of the Levin-Bereuter improvements, this agreement will create a high-level commission—modeled after the Helsinki Commission—that will monitor human rights in China

and report annually to Congress. We have a responsibility to support that commission.

Finally, this agreement calls on Congress to help the Chinese people develop the institutions of a civil society that are needed to support fair and open trade. We have a responsibility to provide that assistance.

This is a good agreement. But it is not a panacea. And it is not self-enforcing. If we want it to work, we have to keep working at it.

In closing, there is another quote I would like to read from President Nixon. In a toast he made to China's leaders during his 1972 visit, he said, ''It is not our common beliefs that have brought us together here,'' he said, ''but our common interests and our common hopes, the interests that each of us has to maintain our independence and the security of our peoples, and the hope that each of us has to build a new world order in which nations and peoples with different systems and different values can live together in peace—respecting one another while disagreeing with one another, letting history, rather than the battlefield, be the judge of their individual ideas.''

We have made progress toward that goal over these last 28 years. This agreement will enable us to build on that progress. It is in China's interest. It is in our interest. It is in the world's best interest that we pass it. I urge you to support it.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, we have had an excellent debate over PNTR, touching on many aspects of our complex relationship with China.

It was, indeed, important we had such an exhaustive discussion because the vote we are about to cast on PNTR will be a defining moment in the history of this Chamber and in the history of our country.

That is partly because passage of PNTR will create vast new opportunities for our workers, our farmers, and businesses. But it is also because PNTR will serve America's broader national interest in meeting what is likely to be our single greatest foreign policy challenge in the coming decades—managing our relations with a rising China.

China's accession to the WTO has been the subject of intense negotiations for the past 14 years. The market access package the U.S. Trade Representative reached with Beijing represents, in my judgment, a remarkable achievement. From the point of view of every sector of the American economy, and from the perspective of every U.S. enterprise, no matter how big or small, the agreement holds the promise of new markets and future sales.

For the citizens of my own State of Delaware—from poultry farmers to auto workers to those in our chemical and services businesses—gaining access to the world's largest country and fastest-growing market, which is what PNTR permits, offers extraordinary new opportunities.

Passage of PNTR is in our economic interest. I hope our debate has made that clear. But I hope my colleagues and the American people have come to understand why PNTR is also in our national interest.

To gain entry to the WTO, China has been compelled to move its economy to a rules-based system and to end most forms of state control within roughly 5 years. Indeed, in a number of sectors of its economy, China will soon be more open to U.S. products and services than some of our developed-country trading partners in Asia and Europe.

The results of China implementing its WTO obligations will be revolutionary. But contrary to what occurred in 1949, China will be transforming itself by adopting a fully-realized market economy, thereby returning individual property rights and economic freedom to the people of China.

Why has China accepted such a capitalist revolution? As Long Yongtu, China's top WTO negotiator and Vice Minister of China's trade ministry, said earlier this year, what is ''most significant at present [is that] WTO entry will speed China's reform and opening up. Reform is the only outlet for China.''

In other words, China has no choice. Its state-directed policies do not work; free markets and capitalism do.

Mr. Long went on to say:

> China's WTO entry would let enterprises make their own business decisions and pursue benefits according to contracts and market principles. Liaison between enterprises and government will only hurt enterprises. Contracts kowtowing to government, though they look rosy on the surface, usually lead to failure. After joining the WTO, the government will be pressed to respect market principles and give up the approval economy.

I agree with those who say that the rise of China presents the United States with potentially our biggest foreign policy challenge. But I also believe it presents us with enormous opportunities. The single most important step the Senate can take to allow the United States to respond to that challenge adequately and seize those opportunities is to pass PNTR.

We must, and we will, continue to press Beijing on the range of issues where our interests and values diverge, from human rights to proliferation to China's aggressive stance on territorial disputes.

Yet a China fully immersed in the global trade regime, subject to all the rules and sanctions applicable to WTO members, is far likelier to live under the rule of law and to act in ways that comply with global norms. Indeed, the WTO is exactly the sort of multilateral institution that can act as a reinforcing mechanism to make China's interests more compatible with ours.

As that happens, and as China's economic success increasingly comes to depend on stable and peaceful relations with its trading partners, Beijing will be more apt to play a constructive regional and global role.

Finally, if Asia and much of the rest of the world are any guide, China's economic liberalization will accelerate its path toward greater political freedom. In East Asia alone, South Korea, Taiwan, and Thailand have amply demonstrated how economic freedom can stimulate democratic evolution.

Ultimately, China's participation in the WTO means the Chinese people will be given the chance to shape their own destiny. As Ren Wanding, the brave leader of China's Democracy Wall Movement said recently, ''Before the sky was black. Now there is light . . . [China's WTO accession] can be a new beginning.''

Mr. President, when we pass PNTR, that new beginning will be for the American people just as surely as it will be for the people of China.

Colleagues, let us begin anew by joining together to pass PNTR overwhelmingly.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, throughout the 22 years I have been privileged to be a Member of the Senate, I have worked very closely with our distinguished colleague from Delaware, Senator ROTH, and indeed our colleague from New York, Senator MOYNIHAN. This has to mark one of their finest hours in the Senate. Senator MOYNIHAN has spoken with me unreservedly on this important issue and it took the strong leadership of our chairman and distinguished ranking member to shepherd this key legislation through the Senate in light of the number of challenges they faced.

I hope that not only the constituencies in their respective States but the Nation as a whole recognize the skill with which these two very seasoned and senior Senators have managed this most critical piece of legislation. Passage of this legislation is in the interest of our country economically and in terms of our security—I will dwell on the security interests in a moment—for today, tomorrow, and the future.

As we enter this millennium, China, in my judgment, is our natural competitor in economics, and perhaps the nation that could pose the greatest challenges in terms of our national security. I was very much involved, as were other Members of the Senate, indeed our two leaders, in the amendment offered by Senator THOMPSON. I subscribe to so many of his goals. Were it not for a framework of laws which adequately address the concerns of Senator

THOMPSON, I would most certainly have supported his amendment. But as our two managers have pointed out, as drafted, that amendment could have imperiled the passage of this legislation.

I am pleased to join colleagues today in supporting PNTR for China. I join all Senators who have spoken so eloquently on the question of human rights deprivation in China. Indeed, I have traveled there, as almost every Member of this body has at one time, and have witnessed with my own eyes the human rights deprivation of the citizens of that nation. However, continued isolation, in my judgment, would strengthen the hands of those who inflict the abrogation of human rights on those citizens by restricting the Chinese people's contact with some of our very finest Ambassadors. I am not just speaking of the diplomatic corps. I am talking about the American people, be they traveling for business or to gain knowledge about China. The American people are among the best Ambassadors as it relates to human rights.

Our citizens, wherever they travel in the world, most particularly to China, whether it is to conduct business or for pleasure or for other reasons, bring with them the closely held and dearly valued principles of a democratic society, principles of human rights. They are unrelenting in trying to share those principles and impress upon the people of China the value of reshaping their society along the principles of human rights adopted by the major nations of this world, particularly the United States. Therefore, exposing Chinese citizens to many of the ideals that our democratic society is built upon can only help in the strengthening of human rights in China.

It is through such contacts, which will be greatly expanded with the passage of PNTR with China, that significant improvements can be made in the human rights situation in China. Not providing the PNTR status for China would also have a significant impact on both U.S. businesses and consumers.

China imports 20 percent of the U.S. wheat and timber exports, and they also are major importers of U.S. cotton, fertilizer, aircraft equipment and machinery. China supplies the United States with one-third of those wonderful gifts, particularly at Christmastime, that we share with our children. They have always had a very innovative insight into what the children want and a great deal of what we purchase comes from that nation. Ten percent of our footwear, 15 percent of our apparel, and a large percentage of our electronic products are supplied by China. Without a PNTR agreement, duties on these products might drastically increase and the costs be borne by the American consumer.

However, China's accession to the WTO will be a boon to U.S. manufacturers, farmers, and service providers. As a requirement to join the WTO, China has agreed to greatly reduce tariffs across the board. This will in turn open markets in that huge nation, thereby providing American business with great opportunities.

Let me take a minute to explain how such a reduction in Chinese tariffs will beneficially impact my State, the Commonwealth of Virginia. In 1998, Virginia's worldwide poultry and product exports were estimated at $101 million. China is currently the second leading market for U.S. poultry exports. Under its WTO accession agreement, by 2004, China will cut its frozen poultry products tariff in half, from 20 percent to 10 percent. The beautiful Shenandoah Valley of Virginia, indeed, along with other regions of the State, are the heartland of our poultry export market. They stand to benefit greatly.

In 1998, Virginia's worldwide live animal and red meat exports were estimated at $87 million. Under its WTO accession agreement, by 2004, China will reduce its tariffs 45 percent to 12 percent on frozen beef cuts, from 45 to 25 percent on chilled beef, and from 20 percent to 12 percent on frozen pork cuts, definitely benefiting Virginia's exports in these areas.

Virginia's lumber industry is the 13th largest in the Nation. China is the world's third largest lumber importer. Under its WTO accession agreement, China will substantially reduce tariffs on this import, thereby dramatically opening up the market to the American lumber industry.

Those are but a few examples of how China's accession into the WTO will provide numerous opportunities for Virginia business, particularly small- and medium-size companies which account for 54 percent of all exports from Virginia to China.

I believe it is in the long-term interest of the United States to maintain a positive trade relationship with China. I believe we can use our relationship to foster positive social, civil, and economic changes in China. Isolation tactics will only prevent the United States from having any influence over guiding China towards democratic reform.

Mr. MOYNIHAN. Mr. President, I yield such time as the Senator from Virginia may require.

Mr. WARNER. I thank my distinguished colleague. I will take but a few more minutes.

Therefore, I intend to vote loudly and strongly for this measure.

In conclusion, I am privileged to work in the Senate in the area of security, military and foreign relations as chairman of the Armed Services Committee.

In light of that, I have looked very closely at China. China is pushing many frontiers, whether it is the export of armaments or being involved in some of the most complex and fragile relationships the world over. We need only point out Pakistan and India and how Russia is on one side and China is on the other side. Let's only hope that their work with regard to that tension-filled part of the globe will be constructive and in a way to prevent any significant confrontation between those two nations.

Therefore, I think it is important that our military maintain its relationship with the Chinese. Given the tenuous situation with regard to Taiwan, and the strong principles of our Nation in trying to defend and support that democracy, I believe such a dialogue will give us a better opportunity to work on security relationships, whether regarding India and Pakistan, Taiwan or other regions of the world.

Mr. President, I think we are on the verge of a very historic moment. I commend the chairman and ranking member for their initiatives and long weeks of hard work.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I know Senator ROTH will join me in expressing great gratitude and appreciation for Senator WARNER's characteristic generosity. It comes from the chairman of the Armed Services Committee, which is doubly important.

Mr. President, we are nearly there. In a short while, the Senate will cast an epic vote. At the Finance Committee's final hearing on China this spring, on April 6, 2000, our last witness—Ira Shapiro, former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative—put it this way:

> . . . [this vote] is one of an historic handful of Congressional votes since the end of World War II. Nothing that members of Congress do this year—or any other year—could be more important.

This achievement—for it is a crowning achievement—caps an eventful year. All the more impressive in light of last December's ''global disaster''—as the Economist magazine on December 11, 1999, put it—that was the Seattle World Trade Organization Ministerial.

In January, it was thought that our long-standing trade policy was in serious jeopardy—the trade policy that, for 66 years—ever since Cordell Hull created the Reciprocal Trade Agreements program in 1934—has contributed so much to our nation's prosperity.

But we have prevailed. And more. In May, the Senate took up and passed—the vote was 77 to 19—the conference report on the Trade and Development Act of 2000—establishing a long overdue trade policy for sub-Saharan Africa and putting in place new trade benefits for the Caribbean Basin countries. That measure was the most significant trade legislation passed by the Congress in six years—ever since the Uruguay Round Agreements Act of 1994.

Now, just four months later, we are about to give our resounding approval to H.R. 4444, authorizing the extension of permanent normal trade relations to China. And with this action, we will have passed more trade legislation—important trade legislation—in this session of Congress than any session of Congress in more than a decade.

It has taken us a long while to reach the point of final passage of the PNTR legislation. We have most certainly not rushed this legislation through the Senate. The House approved the measure nearly four months ago, on May 24, by a vote of 237–197. The Senate, in effect, began its consideration before the August recess—on July 27th, when we invoked cloture on the motion to proceed to the bill. The vote was a decisive 86 to 12.

By the time this vote is cast, we will have completed eleven full days of debate. We have taken up and debated 19 amendments. We have considered every facet of U.S.-China relations, and we are now ready to give this measure our overwhelming approval.

And so we ought to do. We are giving up very little—the annual review of China's trade status that has had at best an inconsequential effect on China's domestic policies. In return, we are bringing China back into the trading system that it helped to establish out of the ashes of the Second World War.

For with its accession to the WTO, China merely resumes the role that it played more than half a century ago: China was one of the 44 participants in the Bretton Woods Conference—July 1–22, 1944. It served on the Preparatory Committee that wrote the charter for the International Trade Organization that was to complement the International Monetary Fund and the International Bank for Reconstruction and Development. And China was of course one of the 23 original Contracting Parties to the General Agreement on Tariffs and Trade—initially designed to be an interim arrangement until the ITO Charter would come into force. It did not: the ITO failed in the Senate Finance Committee and we were left with the GATT.

And in China, revolution intervened. The Republic of China (now on Taiwan) notified the GATT on March 8, 1950, that it was terminating ''China's'' membership. It was not until 1986 that the People's Republic of China officially sought to rejoin the GATT, now the World Trade Organization. And now, after 14 years of negotiations, China is poised to become the 139th member of the WTO.

It is elemental that China belongs in the WTO. It is in the interests of all trading nations that a country that harbors one-fifth of mankind, a country that is already the world's ninth largest exporter and eleventh largest importer, abide by the rules of world trade—rules that were, I would point out, largely written by the United States.

We, too, must abide by the WTO's rules. And thus we will approve today the legislation extending permanent, unconditional normal trade relations to China—fulfilling the most basic of our obligations under the WTO's rules—nondiscriminatory treatment.

Let me leave the Senate with the following observations from Joseph Fewsmith, an associate professor of international relations at Boston University and a specialist on the political economy of China. He writes in the National Bureau of Asian Research publication of July 2, 2000:

> Some historical perspective is necessary when thinking about PNTR. When President Nixon traveled to China in 1972, China was still in the throes of the Cultural Revolution. Mao Zedong was still in command, there were no private markets, intellectuals were still raising pigs on so-called ''May 7 cadre schools,'' and labor camps were filled with political prisoners. Nixon was treated to a performance of ''The Red Detachment of Women,'' one of only eight model operas that were permitted to be performed. Nearly three decades later—not a long period in historical terms—China has changed dramatically. Communes are gone, the planned economy has shrunk to a shadow of its former self, and incomes have increased dramatically. Personal freedoms, while by no means perfect, are greater than at any other time in Chinese history. China's opening to the United States is a major reason for these changes, a dramatic demonstration of the impact of international influence.

Mr. President, I urge my colleagues to cast their votes in support of H.R. 4444.

I would like to attenuate my remarks simply to take up the question of Taiwan and its accession to the WTO. This ought to be explicit and perhaps the last thing said in this debate.

Just as China ought to be in the WTO—will be in the WTO—so will Taiwan. Despite the bluster of senior Chinese officials, intermittently, and recently as well, Taiwan is on track to be invited to join the WTO at the same General Council session that will consider China's application.

Article XII of the Agreement Establishing the WTO provides that:

> . . . any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations . . . may accede to the WTO.

In September 1992, the GATT Council—for the WTO was not yet in existence—established a separate working party to examine Taiwan's request for accession. The nomenclature was carefully chosen. Taiwan was called the ''Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.'' That is the formulation under which Taiwan will enter the WTO.

The President has confirmed this and confirmed in the strongest possible terms that the United States will not accept any other outcome. The President was adamant on this point in his letter of September 12. A copy was sent to me, and I believe a copy was also sent to our distinguished chairman. It says this:

> There should be no question that my administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely, as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as ''Chinese Taipei''). The United States will not accept any other outcome.

Mr. President, I ask unanimous consent that the President's letter of September 12 be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. MOYNIHAN. Mr. President, if China should attempt to block Taiwan's accession, I suggest to the Senate that there is a remedy. H.R. 4444 gives the President the authority to extend permanent normal trade relations status to China upon its accession to the WTO, but he need not do so. Indeed, if Taiwan's membership in the WTO is blocked, I would urge—and I am sure my beloved colleague, Senator ROTH, would urge, as I see him nodding—the President to simply refrain from extending PNTR to China. So we ought to put this matter to rest.

I have no doubt that there will continue to be bumps—some serious crises indeed—in our relationship with China. Neither membership in the WTO nor normalized trade relations with the United States will magically impose the rule of law in China or institute deep-seated respect for human rights. But certainly it has the potential to advance those purposes. That is why we are here and why we will shortly make this epic decision.

Finally, if I may have the indulgence of the Senate—and I know this is shared by the chairman—I want to read a short paragraph.

My only regret today is that with the final vote on PNTR for China, we must bid farewell to our chief trade counsel, Debbie Lamb, who joined the Finance Committee staff over 10 years ago, in June 1990. Ms. Lamb has played an integral part in every major piece of trade legislation over the past decade—from the NAFTA and the Uruguay Round to our attempts to renew so-called fast-track negotiating authority to the two pieces of trade legislation that we passed this year: The Trade and Development Act of 2000, and now, at last, PNTR for China. Her knowledge and dedication to our committee's work has been exemplary. She is something that is very rare in Washington—

a person with great breadth and great depth. The committee and I will miss her deeply as she leaves today to pursue the next phase of a distinctly distinguished career.

EXHIBIT 1

THE WHITE HOUSE,
Washington, September 12, 2000.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhance our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the broad range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as ''Chinese Taipei''). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealings with China. We have pressed China successfully to join the Nonproliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions, such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

Mr. ROTH. Will the Senator yield?

Mr. MOYNIHAN. Yes, of course.

Mr. ROTH. Mr. President, I only want to echo what my friend and distinguished ranking member has said about Debbie. We have accomplished a lot in the area of trade in recent years, and so much of the credit should go to the staff who have worked so hard and so long. Top among those is Debbie Lamb, who has been available not only to her side, but has been most helpful to the majority as well. Sometimes I think people don't recognize the cooperation that often exists between Members of the two parties. But I think what Debbie has done shows that bipartisanship is still alive. We would not be here celebrating today's vote if not for her splendid contribution.

Mr. MOYNIHAN. I say to our chairman, as evidenced by the fact that this measure was reported 19–1 in the Finance Committee.

I thank the Chair. We are at a moment of history and the omens are excellent.

Mr. ROTH. Mr. President, in keeping with the words of my distinguished colleague about Debbie, I want to say a few words of thanks to all those who worked so hard on this bill.

Of course, first, I have to thank my dear friend, our venerable colleague, and always gracious ranking member of the Finance Committee, PAT MOYNIHAN. It would never have been possible to be here today with the kind of vote I think we are going to enjoy if it had not been for PAT's leadership, for his knowledge and background, and his ability to bring people together. I thank him for his outstanding contributions.

I also thank Senators GRASSLEY, THOMAS, HAGEL, ROBERTS, and ROD GRAMS for helping manage the floor. We were on this legislation something like 11 days. There were times when PAT and I were called from the floor for other duties. It was most helpful to have these other individual colleagues helping manage the floor.

Again, I thank all of Senator MOYNIHAN's committee staff who are just as gracious as the Senator for whom they work. We have already talked about Debbie Lamb. But David Podoff—I want to express my warm thanks to you for bringing your expertise to bear on this legislative process. I agree with Senator MOYNIHAN. This is probably the most important piece of legislation that will be adopted this year, if not this decade. But again, it could not have happened without people such as Dave.

I would also like to thank Linda Menghetti, and Timothy Hogan, as well as Therese Lee, who I think was such a help as a member of the Senator's personal staff.

Finally, let me thank my own staff. I would like to claim that I have the best staff on the Hill. I certainly have one of the best, if not the very best.

Mr. MOYNIHAN. Sir, we have the best staffs.

(Laughter.)

Mr. ROTH. I yield to my distinguished Senator on that point. I stand corrected.

But, again, I really want to thank my personal staff, and my trade staff, whether it is Frank Polk, who is always there when you need him, and Grant Aldonas, Faryar Shirzad, Tim Keeler, J.T. Young, and Carrie Clark from the Finance Committee. I also particularly want to thank John Duncan and Dan Bob from my personal office. Dan is really one of our great experts on Asia, and on international politics in general. I owe him so much for his help during these last 2 weeks. Thank you all for a job well done.

Let me say it is an honor and pleasure to work with the ranking member.

Mr. MOYNIHAN. My honor, sir.

Mr. ROTH. I yield the floor.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4516

Mr. THOMAS. Mr. President, I ask unanimous consent, notwithstanding provisions of rule XXII, that immediately following the cloture vote on the motion to proceed to the H–1B legislation, the Senate proceed to the conference report to accompany H.R. 4516, the legislative branch appropriations bill. I further ask unanimous consent that there be 2 hours for debate equally divided between the two managers, with an additional hour under the control of Senator MCCAIN, 1 hour under the control of Senator THOMAS, and 90 minutes under the control of Senator KENNEDY. Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate. I add, provided that 30 minutes of the Democrat manager's time be under the control of Senator WELLSTONE.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the passage of H.R. 4444.

The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent I be allowed to use some of my leader time to conclude discussion on the China PNTR.

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

Mr. LOTT. First, Mr. President, this is the last day of a very critical and helpful staff member working here with the Senate in the Finance Committee. That person is Debbie Lamb on Senator MOYNIHAN's staff. She has been his chief trade counsel and has been very helpful, obviously, to Senator MOYNIHAN and, before that, to Senator Bentsen.

I remember specifically one night we were negotiating the final contours of a bill between the House and the Senate. I wound up relying on her counsel as we made the final decisions. People may find it somewhat a surprise that the majority leader, a Republican, would be relying on the counsel on the other side of the aisle, but it does work that way and it attests to her credibility and expertise. She has done a wonderful job. We wish her the very best.

In that connection, too, I want to recognize the outstanding work that has been done by Senator MOYNIHAN and by Chairman ROTH. Here he is, sitting right behind me. They have been patient; they have been willing to spend hours here in the Senate. They waited weeks to get their opportunity to have it considered in the Senate. There was no effort made to cut off a full debate. I think every Senator believes he or she had the opportunity they needed to make their case, state their positions, and raise their concerns or why they supported it.

Also, we had numerous amendments, and all of them failed. Some of them were very attractive. In fact, I felt very strongly about a couple of them, obviously. But they waded through all of this and we are going to have a final vote in a moment. I think it is going to be an overwhelming vote. I think it is the right thing to do and I commend Chairman ROTH and Senator MOYNIHAN for their leadership.

When history is written about this session, one of the things I believe it will say is that this is a session of Congress that did spend time and wound up passing some important trade bills with relation to not only China but the Caribbean and also Africa. A lot of credit goes to the leaders of this committee.

Regardless of one's views on the merits, there is no question about the significance of the measure we consider today. Normalizing trade relations with China will not only have profound effects upon our economic well-being, but it will undoubtedly have significant implications for our relations with China and our national security.

China accounts for a quarter of the world's population. It has one of the largest economies in the world—an economy that has been growing at a remarkable rate of nearly 10 percent per year. China unquestionably is and will be a major factor in the world, especially economically.

There is also no question that China's entry into the World Trade Organization holds great opportunities for the United States. Chief among them are the economic benefits that would flow from the dismantling of Chinese trade barriers—barriers that deny benefits to our workers and businesses.

But many people in this country have legitimate questions. They question whether China will live up to its commitments, whether it will trade fairly in our market, and whether we are ignoring China's human rights abuses and its destabilizing behavior in the world.

These are not questions to be taken lightly. And that is why I have insisted that the Senate not rush to action on this bill, and that those on both sides have a full opportunity to air their views and their amendments.

The Senate has had ample time to consider the agreements reached with China, has held numerous hearings on its potential accession to the WTO, and has engaged in a full and vigorous debate on this issue. That is certainly fitting on an issue of this magnitude.

I know that many of my colleagues, like myself, have struggled with this issue in light of our larger concerns about China and its behavior in the world. We all know that China is a one-party State that denies the most basic rights to its people. We must acknowledge that it deprives its people of religious freedom, that it has flagrantly engaged in weapons proliferation, and that it has repeatedly used unfair trade practices in our market.

While some may argue that we should, I do not believe that we can totally separate these broader issues from the question of our trade relationship with China. But I also believe that we cannot allow our desire for reform in China to blind us not only to the benefits we receive from trade with China, but from the positive effects trade may have within that country.

On balance, I am convinced that expanding our trading relation with China is not only in our economic self interest, but in our broader national interest as well.

There are many misconceptions about the action Congress is taking with this legislation. Chief among them is the view that we are voting on whether to allow China into the World Trade Organization. The fact is that China will almost certainly enter the WTO, regardless of whether the United States approves this legislation.

What this legislation will decide is whether the commitments of WTO membership are applied bilaterally between the United States and China.

Applying WTO commitments to trade between the United States and China is in our economic interest—and for a simple reason. We already grant China the favorable access to our market required by the WTO. China, however, does not grant similar access to our products. As such, this agreement will expand our access to China's market; it will not expand China's access to ours.

Many of my colleagues have gone through in detail the market-opening concessions China will be forced to make upon entry into the WTO. Let me just highlight some of the major terms that will have a direct impact on our workers and companies:

China will be required to cut tariffs from a current average of almost 25 percent to an average of around 9 percent by 2005—with particularly sharp reductions for farm products and information technology products;

China will be required to provide our companies with full trading and distribution rights—eliminating the need to go through trading companies blessed by the Chinese government;

China will be required to greatly expand access to its market for agricultural goods, ranging from cotton, wheat, soybeans, rice and farm products across the spectrum.

China will for the first time be required to provide real access to financial services providers—allowing U.S. banks, insurers and other providers significant new access.

Why would we walk away from these new and dramatic benefits—particularly when our market is already open to Chinese imports?

Both the farming and manufacturing community in my home state—as in states across the country—have voiced strong support for increased trade with China.

They know that we cannot afford to neglect economic ties with a nation of more than 1 billion people, and a market that already is the sixth largest for U.S. agricultural exports. They know that with expanded trade China is projected to account for more than one third of the growth in U.S. agricultural exports. Whether it is cotton farmers in the delta or poultry producers in central Mississippi, our farmers need China's market.

We also stand to make huge gains in the high tech sector, where the U.S. leads, and where my state is growing in leaps and bounds. Only 2.5 percent of China's population has a computer and only 1 percent has access to the Internet—but these numbers are growing rapidly.

If we do not trade with China, you can bet that our competitors in Japan and Europe will. And it will be their workers and industries—not ours—that reap the benefits of increased access to China's market.

If the economic benefits are clear, what is it that we give up by approving permanent trade relations with China? Most concretely, we end the automatic annual review of China's trade status under the Jackson-Vanik amendment. I do not take this lightly. We must acknowledge that gaining permanent trading status in our market has been a major objective of China's. And we should not dismiss out of hand the salutary effects that have resulted from a yearly review of China's actions and status.

But we must also question how much leverage this review continues to provide—particularly given that China's most favored nation status has never been withdrawn in the 20 years since relations with the PRC were normalized in 1979. And we must consider as well what benefits and favorable effects are likely to accompany a closer trading relation between our countries.

Trade will not solve all of our problems with China, and it will not change China's behavior overnight. But economic forces are powerful—often beyond anything we can imagine. China's commitments under the WTO agreements will require it to loosen its grip—perhaps not dramatically at first, but in real and observable ways—over the economic life of its people.

As wealth grows among China's middle class, as they see the benefits of open markets and freedom, as they share in the unbelievable exchange of ideas that the new economy and the Internet bring, change will come to China. And we must be there, to engage, to influence, and to foster ideas that will hopefully lead to a new flowering of democracy and freedom—and over the long run to a more peaceful and stable world.

I want to stress one thing. The passage of this bill must not—and I can tell you that as long as I have anything to say about it, it will not—mark a lessening of our commitment to scrutinize China's behavior, to combat proliferation, and to advance the cause of human and religious rights.

Our friends and allies around the world should not misinterpret what happened with our vote on the Thompson amendment—a vote that was caught up in the back and forth of how best to consider the measure. This country is united in its determination to combat weapons proliferation in China and around the world. Our commitment has not wavered, and we have not seen the last of this issue on the Senate floor.

We must recognize the legitimate fears and concerns of many citizens regarding trade with China. They know China has abused our market in the past and has failed to live up to its end of the bargain in recent trade agreements.

Ensuring Chinese compliance with its commitments will not be easy. But it is essential that we are unwavering in our vigilance to see that our workers and our companies get the benefits they are promised. This agreement maintains our ability to use our trade laws fully to combat Chinese unfair trade practices, and to take trade measures necessary to protect our national security. We must respond swiftly and forcefully where the need arises.

This will be one of the most closely scrutinized trade agreements in history, as it should be. The American people know that we can compete and win with fair and open markets, but they will not long tolerate the systematic flouting of our agreements and the abuse of our market. This will be a test—not only of our own resolve to make trade agreements work for our citizens, but of the ability of the WTO and the international system to deliver on the promises it has made.

This has been a remarkable year for trade legislation.

I want to congratulate Chairman ROTH and Senator MOYNIHAN once again for their extraordinary efforts to get our trade agenda back on track—passing this year both the Africa-CBI trade enhancement act and now this critical piece of legislation. It is a record of accomplishment for which we can all be proud.

But it is not a time to rest or sit back. We saw in Seattle the consequences of indecision, mixed messages and lack of resolve in the cause of freer and fairer trade.

Making the case for freer trade and open markets will never be easy. The concrete dislocations and challenges that come with increased global trade are often easier to see and to seize upon than the more diffuse gains from new markets and new economic growth. It is up to us as policy makers and public officials to ensure that our workers and our businesses see the gains from trade, that they receive the benefits of the agreements we make, and that our security and our economic well-being are enhanced as we seek further engagement in the global economy.

I know there are legitimate concerns about this legislation and that there are those having to struggle with whether or not we can trust China's compliance. They are legitimate concerns about human rights violations, religious persecution, and nuclear weapons activities. But I also believe it would be a tremendous mistake to ignore the advantages of this trade legislation. There are a billion people in China. These are markets that are not now open to us. Just last night, I looked over what would come out of this legislation. The fact is, they will have to open markets. China will be required to cut tariffs from the current average of almost 25 percent to an average of 9 percent by 2005, with a particularly sharp reduction for farm products and information technology.

China will be required to provide our companies with full trading and distribution rights; it will be required to greatly expand access to its markets for agricultural goods, ranging from cotton, wheat, soybeans, rice, and farm products across the spectrum. For the first time, China will be required to provide real access to financial services providers.

This is legislation that is good for America, that is good for the working people in our country. It will take a lot of vigilance. I think we need to make sure of its compliance. But it is the right thing to do. I will vote for this legislation and I hope it will be accepted overwhelmingly.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 4444) was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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 83, nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—83

Abraham	DeWine	Kennedy
Allard	Dodd	Kerrey
Ashcroft	Domenici	Kerry
Baucus	Dorgan	Kohl
Bayh	Durbin	Kyl
Bennett	Edwards	Landrieu
Biden	Enzi	Lautenberg
Bingaman	Feinstein	Leahy
Bond	Fitzgerald	Levin
Boxer	Frist	Lincoln
Breaux	Gorton	Lott
Brownback	Graham	Lugar
Bryan	Gramm	Mack
Burns	Grams	McCain
Chafee, L.	Grassley	McConnell
Cleland	Gregg	Miller
Cochran	Hagel	Moynihan
Collins	Harkin	Murkowski
Conrad	Hatch	Murray
Craig	Hutchison	Nickles
Crapo	Inouye	Reed
Daschle	Johnson	Robb

Roberts	Shelby	Thurmond
Rockefeller	Smith (OR)	Torricelli
Roth	Snowe	Voinovich
Santorum	Stevens	Warner
Schumer	Thomas	Wyden
Sessions	Thompson	

NAYS—15

Bunning	Hollings	Reid
Byrd	Hutchinson	Sarbanes
Campbell	Inhofe	Smith (NH)
Feingold	Jeffords	Specter
Helms	Mikulski	Wellstone

NOT VOTING—2

Akaka	Lieberman

The bill (H.R. 4444) was passed.

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

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

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, today ends an historic debate on permanent normal trade relations with China. The vote we just cast was certainly the most important of this year and likely the most consequential of the past decade.

We have had a vigorous debate on PNTR as well as the full range of issues my colleagues have raised through amendment.

Because of PNTR's significance, however, I opposed all amendments to PNTR regardless of merit. And many of the amendments did have merit. Indeed, I would have supported some of them under other circumstances.

In the case of PNTR, however, a vote for any amendment would have forced a conference with the House and additional votes in both the House and Senate on a conference report. Had we chosen that route, we would likely have run out of time before we could have passed PNTR in this Congress.

And had we failed to pass PNTR this year, the only certain effect would have been to punish our workers, farmers, and businesses by placing them at a huge competitive disadvantage to their fiercest foreign competitors in gaining access to China's burgeoning market.

That is because PNTR does not determine whether China enters the World Trade Organization. China will enter the WTO regardless of what Congress had done on PNTR; and China's entry will definitely take place this year according to Michael Moore, the Director-General of the WTO.

What PNTR does is allow American firms equal access to China's market when China joins the WTO.

Let us remember that in joining the WTO, China has committed itself to abandoning central control and throwing its market wide open to the United States an all the other WTO members, all within roughly five years. Let me note here that for our part, the U.S. market will not be opened further to China; our market is already open to the Chinese.

In keeping with its obligations as a member of the WTO, China will have to extend permanently and unconditionally its greatly lowered tariffs and its expansively opened market to every other member of the WTO. In other words, China will have to maintain PNTR with all member economies of the WTO. There is only one exception to this rule: when another WTO member chooses not to extend permanent normal trade relations to China, China need not extend PNTR to that country.

Of course, there is only one member of the WTO that even considered denying China PNTR—the United States. In part, that's because there has been a belief that in denying the Chinese PNTR we would somehow force them to change their behavior in any number of areas, from human rights to Taiwan to proliferation of weapons of mass destruction.

But would denying China PNTR actually have changed Chinese behavior? Frankly, there is little logic to this argument. After all, the only certain result of denying China PNTR is that we would have deprived U.S. farmers, workers and businesses access to China's lowered tariffs and more open market—access that every other member of the WTO will enjoy.

How is it that putting Americans at a competitive disadvantage to the French, the Germans, the Japanese and the Canadians would have compelled Beijing to act in ways the United States would prefer?

I submit that in denying PNTR—and thereby undermining American economic access to China—we actually would have lost leverage over China rather than gain it. Only by engaging China economically, by permitting Americans to work within China and thereby pressuring her from the inside to restructure her institutions and advance the rule of law, do we stand the best chance of making Beijing more cooperative.

That's why most of China's human rights dissidents have supported China's entry into the WTO and PNTR. As Wang Dan, a leader of the demonstrations in Tiananmen Square, said, China's entry into the WTO ''will be beneficial for the long-term future of China because China thus will be required to abide by the rules and regulations of the international community.''

Meanwhile, the Taiwanese, the people most threatened by China, also support China's WTO accession and PNTR. Taiwan's current and previous Presidents have both publicly affirmed their support for the United States fully normalizing trade relations with China. And as President Clinton stated in a letter he sent in response to an inquiry I made last week, the U.S. will make sure that Taiwan gains entry to the WTO just as soon as China does.

On the question of U.S. national security, the Americans most knowledgeable about the matter, including Presidents Ford, Bush and Carter, as well as virtually every living former Secretary of State and Defense, National Security Advisor and Chairman of the Joint Chiefs of Staff agrees that PNTR will advance American interests. They recognize, as General Colin Powell put it, that if Congress rejects PNTR, the result will be ''to make [China] more isolated, truculent and more aggressive . . .''

The vote over PNTR was thus about more than just economics. It was also about America's response to China's emergence as a leading power, a phenomenon which I believe presents us with potentially our most serious foreign policy challenge. But it also presents us with enormous opportunities. We can only respond to that challenge adequately and seize those opportunities through a sensible overall China policy. The clear objective of that policy should be to encourage China's constructive and responsible behavior and discourage its aggressiveness and irresponsibility.

I believe our China policy must have five central elements, and PNTR forms the core of the first—that of expanding our economic relationship with Beijing. We should seek such an expanded relationship because a China integrated into the global economy is more likely to behave in ways compatible with American interests and international norms. Thus, we should encourage China's development and participate in its economic growth by supporting China's accession to the World Trade Organization and by passing PNTR, as we have done.

The more China is integrated into the international economy, the more subject Beijing is to the harsh realities of the marketplace. Should China choose a path toward blatant aggression and destabilizing domestic repression, foreign investment will dry up and firms will move to other countries where the risks are lower and the returns are higher.

Moreover, we have a better opportunity to influence China to act in ways we prefer when we enmesh it in the sort of economic relationships fostered by granting China PNTR.

In addition, economic growth nurtured by participation in the global economy tends to lead to greater demands for democratic reform. Other Asian countries, such as South Korea, Taiwan and Thailand, have amply demonstrated the political evolution that accompanies economic development. By encouraging trade with China, we are also encouraging a process that is likely to lead to the sort of political liberalization that is in America's interest.

The second element of any coherent China policy must include preparedness to deal with China if its participation in world affairs proves disruptive. Strengthening our current array of bilateral security ties in Asia is thus essential. Those ties include not only the

full security alliances we have with Japan, Korea, Thailand, the Philippines and Australia, but also the productive security arrangements we maintain with Singapore, Malaysia, Brunei, Indonesia, New Zealand and other Asia Pacific nations.

Closer cooperation on security and diplomatic initiatives with nations in the Asia Pacific that share our interests on China can serve to prod Beijing to accept the moderating influence of global economic integration. It also provides a hedge in the event Beijing instead chooses an aggressive path.

Third, we must enforce current law regarding Chinese actions and be willing to challenge China on issues of concern. That is why we should continue to work to improve China's human rights policies and convince Beijing to abandon its repugnant use of forced abortions and grotesque practice of harvesting organs. We can pursue these ends, in part, by ensuring the success of the Levin-Bereuter Commission on human rights created by H.R. 4444, further supporting Radio Free Asia and condemning China at the annual human rights conference in Geneva and at other international fora.

We should respond to China when it persecutes Christians, Muslims and those of other faiths by using the authority granted by the International Religious Freedom Act.

We should continue to support Taiwan under the terms of the Taiwan Relations Act. The TRA affirms that any effort to determine Taiwan's future by other than peaceful means would, ''constitute a threat to the peace and security of the Western Pacific and be of grave concern to the United States.'' The TRA also commits the United States to making available to Taiwan such defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

We should push China to negotiate with the Dalai Lama regarding Tibet, supporting the Dalai Lama's call for ''Cultural autonomy'' within the Chinese system. And we should support the actions of the Special Coordinator for Tibetan issues within the State Department, a position created as a result of Congressional pressure in 1997.

We should investigate credible allegations that Chinese goods have been produced by prison labor and enforce section 307 of the Tariff Act of 1930, which bars imports of prison-made goods into the United States.

We should work with the International Labor Organization to make sure that China lives up to its acceptance of the ILO's Declaration of Fundamental Rights and Principles at Work, which among other things, affords the people of signatory countries the right to organize and bargain collectively.

We should work to counter Chinese proliferation of weapons of mass destruction and their means of delivery through strict enforcement of the Arms Export Control Act, Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, the Export Administration Act of 1979, the International Emergency Economic Powers Act and the Nuclear Proliferation Prevention Act of 1994.

And we should use the WTO's robust dispute settlement system to ensure that China meets its obligations to open its markets and abide by the rules of international trade.

The fourth element of a coherent China policy is the continuation of high-level, regular dialogue with Beijing. Mistrust is bound to grow when we don't meet, particularly when the list of critical bilateral, regional and global issues requiring discussion is so long. Keep in mind that even in the darkest days of the Cold War, we held a consistent series of summit talks with Soviets.

Finally, we must nurture aspects of the relationship where we share interests and can cooperate. China has the potential to play a key role in settling the serious threat posed by North Korea to the South, as well as to the 37,000 American troops we have on the ground there. I cannot imagine the Chinese playing a constructive role on any matter of mutual concern—from controlling transnational crime and narcotics trafficking to protecting the environment—if we only threaten and sanction them.

In sum, to meet the challenge and reap the opportunities of a rising China, we must encourage economic relations with Beijing based on the China's accession to the WTO and passage of PNTR, strengthen security and diplomatic ties with our friends in the rest of the Asian Pacific, enforce current law regarding Chinese actions and be willing to confront China when necessary, continue high-level dialogue, and cooperate with China on matters of mutual concern.

In addition, the Congress should not shy away from criticizing Chinese actions that run counter to internationally-recognized norms or American interests. For my part, I will do everything in my power as Chairman of the Finance Committee to see that China not only lives up to its WTO obligations, but also begins the process of internal change that is essential if Beijing is to meet those obligations.

PNTR is not a panacea, and there will be many bumps on the road in relations between the United States and China. But PNTR is a key component of a coherent strategy for addressing the complex set of issues associated with the rise of China. That is why I am pleased PNTR passed overwhelmingly and with bipartisan support.

Mr. HARKIN. Mr. President, the Senate has just voted on one of the most significant and controversial bills of this Congress. I would like to take this opportunity to share my views on the issues involved and explain the process I went through in making my decision on how to vote on providing normal trade relations status to China.

I thought about this matter a great deal and examined the issues very carefully. I listened to the arguments made by my colleagues in this Chamber and to the intense public debate over the past months. Just this last month, along with my colleague, Senator LAUTENBERG, I visited China. It was the first time I had been back since 1981. We were able to gain some valuable insights into the questions before us.

Having listened to the debate on China PNTR, especially in the media, one may have gotten the idea that this is a clear-cut question. If you listened to the proponents, you would think PNTR is a magic elixir for the American economy. If you listened to the opponents, you would think PNTR spells utter disaster.

After thoroughly looking into this matter, I concluded the claims of both sides were exaggerated. Passing PNTR was not a slam-dunk or a no-brainer, but neither was it a sellout or a surrender on the critical problems we face with China. It was a matter of judging how the scales tipped: not which side was absolutely correct but which of the alternatives seemed, on balance, the best course to take. This was not an easy decision for me. However, I believe the balance did tip, although not overwhelmingly, in favor of passing this legislation granting China normal trade relations status.

I would like to discuss briefly what the vote was really about and why I voted for PNTR.

We had a good deal of discussion over the past several days on the details and implications of this legislation and on the agreement between the United States and China regarding China joining the WTO. There is no need for me to spend any time going over that again. It is important, though, to be clear on what the vote was really about.

The vote on PNTR was not about whether China is going to join the WTO; China will. Nothing Congress can say, one way or the other, will make one bit of difference.

This vote on PNTR was really about whether the United States will benefit from the WTO's trade rules and enforcement procedures which hold China accountable to negotiated trade agreements. If we did not grant PNTR to China, other nations, our competitors, would be able to take advantage of WTO trade rules and enforcement procedures but we would not.

Why is that so? Because the WTO rules state that if we want the WTO to help us enforce fair trade rules, then we cannot treat one WTO member differently from another. We have to provide China the same continuous normal

trade status we provide other WTO members. We cannot single out China for an annual review of normal trade status and still hold China to WTO rules and enforcement.

So that is what this debate really boiled down to—whether we should continue our annual review of normal trade relations with China or grant permanent normal trade relations; that is, would we gain more from a new trade relationship with China than we would lose by ending our annual review?

I firmly believe that the more we can do to bring China's behavior under the rule of law, the better off we are, the better off the Chinese people will be, and the better off the rest of the world will be. That includes our ability to use the WTO to settle trade disputes involving China.

Now, to be sure, we have had frustrations in the WTO dispute settlement process. It is far from perfect. But overall it is in our best interests to have a multilateral means to settle trade disputes with China according to the rule of law instead of trying to go it alone. That approach clearly has not been effective.

U.S. trade negotiators did obtain substantial concessions from China in exchange for WTO membership. These concessions promise to lower tariffs, reduce trade barriers, and create new opportunities for selling U.S. goods and services in China. At the same time, the United States does not have to provide any new access to our markets. So the agreement should benefit U.S. workers, farmers, businesses, and our economy in general.

But let's be realistic. The November 1999 agreement is far from overwhelmingly. It only requires China to go part of the way toward really opening up its borders and its markets. As my colleague from North Dakota, Senator DORGAN, has repeatedly pointed out, even under the agreement, China's markets will be far less open than ours.

For example, according to the Congressional Research Service, the average U.S. tariff on all goods coming into the United States from China is 4.2 percent. That is the average U.S. tariff on all goods coming from China to the United States —4.2 percent. But after this agreement goes into effect, China's average tariff on U.S. industrial goods will be 9.4 percent, over twice as much. For agricultural products, China will only reduce its tariffs from an average of 22 percent to 17 percent. U.S. agricultural tariffs are only 6 percent on average, one-third those of China.

Or take automobiles. The U.S. tariff on autos is 2.5 percent. Under this agreement, China will have a 25-percent tariff on U.S. autos—10 times higher than ours.

I realize tariff rates are not the whole story and that China agreed to substantial opening of its markets. However, I am skeptical that our negotiators obtained as much as they could have. The United States had a lot of leverage in these negotiations. China needs our consent to join the WTO. And China had a lot at stake. The United States is the world's largest economy. We import nearly $100 billion from China. We run over an $80 billion trade deficit with China.

They need access to our market. Our negotiators should have used our leverage and China's needs to get a better deal on the core trade issues and on other issues involving human rights, workers' rights, and the environment. That our negotiators did not get better tariff reductions and better agreements on worker and human rights I believe is a deeply regrettable missed opportunity. I believe our negotiators were simply in too much of a rush to get this deal done rather than address those core issues.

In particular, let's be realistic about the benefits of PNTR for American agriculture. Some of the rhetoric I have heard regarding agriculture is wildly optimistic. We have heard that U.S. farmers will soon be feeding over a billion Chinese—a virtually unlimited market. The truth is, these claims are overstated.

Farmers are ill served by the myth that China is a boon market just waiting to buy up large quantities of farm commodities and food products. China is strongly determined to remain largely self-sufficient in food production, and it is adopting technology and following policies to meet that objective.

For example, I visited a hog farm in China in 1981, and I visited one again last month. In 1981, the hogs and their management did not even compare to those here in America. The changes I saw this August were dramatic. The hogs I saw in August were every bit as lean as ours. Their sows are having litters of 12 to 14 pigs. They are saving 90 percent of them. Their cost of production is low because wages are low. And the Government owns all the land.

I discussed the potential for agricultural trade with the Vice Minister of Agriculture and other Chinese officials. They made it clear they do not expect to buy much corn or pork from the United States. In fact, they are planning to increase their exports of corn. They exported corn last year. But they did believe there would be somewhat of an increasing market in China for U.S. beef and citrus as well as some pork organ meats and similar such products.

Certainly there will be opportunities for U.S. farmers and U.S. food and agribusiness companies, but, again, we have to be realistic.

While I strongly believe we should sell as much food to China as we can, it is irresponsible to give farmers false hope that China is going to reverse the current depression in commodity prices or bail out the failed Freedom to Farm policy. More than irresponsible, it is just plain wrong.

That isn't just my own opinion. In Doane's Agricultural Report in August, Dr. Robert Wisner, a professor of agriculture economics at Iowa State University, who spent 3½ weeks in China in June assessed the prospects for food and agricultural trade with China. He wrote:

> For the longer term we can be cautiously optimistic about U.S. soybean and soybean product exports to China. But optimism about U.S. corn, wheat and livestock product exports should be more tempered.
>
> * * * * *
>
> While the jury is still out on the question Who will feed China? the Chinese answer is, ''China will feed China!''

I will add, in fact, they already do.

I now want to discuss the importance of human rights in our consideration of PNTR. As I see it, a key issue in PNTR is whether in relinquishing our annual review, the U.S. will lose important leverage that could be used to change China's behavior on human rights, workers rights, and child labor. Let us first be honest about this. China has a long way to go on religious freedom, freedom of movement, freedom of expression and association, political rights and the rights of workers. The China section of the U.S. State Department's annual report on human rights for this year and for several years running are absolutely appalling. But I don't have to rely on that report. As I said, I visited China last month.

True, the human rights situation in many parts of China is not as bad as when I first visited in 1981. I could see some improvements, especially in the large cities. But the fact is, the state of human rights in China is still unacceptable. While in Hong Kong, we learned of a lawyer who was arrested and thrown in jail. His offense: He had set up a small table outside a factory to advise workers of their rights under Chinese law. To the best of my knowledge, he is still languishing in prison today.

There is also the case of the young man, Ngawang Choepel, who studied music in the U.S. at Middlebury College in Vermont. He was arrested by the Chinese authorities several years ago while studying music in Tibet and charged with espionage and counterrevolutionary sedition. I was told this young man was convicted of spying for the Dalai Lama. He was sentenced to 18 years in prison.

I responded to the Chinese that this was a ridiculous charge. But even if it were true, I asked them, how many tanks does the Dalai Lama have; how many troops does he command; how many ships does he own? To me, this was a strong indication of the weak foundation upon which the Chinese political system rests.

We also know that forced labor and prison labor still exist in China. I had

been told by both Chinese and U.S. Government officials that there are no serious child labor problems in China. But now, after meeting with reputable worker and human rights organizations in Hong Kong, I know there are certainly serious child labor problems inside China. Estimates indicate China has from 10 to 40 million child laborers. When we left Shanghai and went to Hong Kong, the very next day after we were told by both U.S. authorities and Chinese authorities that child labor was not a very serious problem, this was the headline in the Sunday Morning Post, August 27, 2000, Hong Kong: ''Children Toil in Sweatshop.''

This was in an area north of Hong Kong, mainland China, where kids as young as 12 years old were working making toys. This is again a part of the article: ''Childhood Lost to Hard Labor.''

Also from the article:

> Lax age checks open door to underage workers at Shenzhen factory producing toys for fast food chain.

They were producing toys for a company and that company was selling its toys to McDonald's. McDonald's gives these toys away, when you buy a Happy Meal for your kids. It is the kids who are making the toys. Yet we are told that there are no serious child labor problems in China. Here was photographic proof, reporting proof that only a few miles across the border from Hong Kong, we had child laborers toiling to make these toys, working 16 hours a day and more.

This is a quotation from the story:

> The youngsters admit they lie about their ages to get jobs in the factory, where workers estimate up to 20 percent of the employees are under the legal age of 16. But they say only rudimentary checks are done on their ID cards by the factory to make sure they are old enough to work. Asia Monitor Resource Centre, a labor monitoring body, said it was common for people to use fake ID cards to get work. Child labor is a common problem in China. It exists in rural small farms and big factories run by transnational enterprises.

Again, we do have the problem of child labor and prison labor, forced labor in China. So, clearly, there are serious human rights problems in China that cannot be denied or swept under the rug. But they raise the questions: What are the best ways to address those problems and to bring about real progress on human rights in China? And how should human rights considerations affect our decision on PNTR?

Before I go into these questions, I will take a moment to emphasize my long and strong commitment to human rights. My record speaks for itself. I have been working on human rights issues since I first took office in the House of Representatives 25 years ago and as a private citizen before then. In fact, the first legislation I authored in the House in 1975 resulted in the enactment of section 116(d) prohibiting U.S. foreign assistance to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.

I have worked to end child labor and prison labor and religious persecution in the former Soviet Union, Haiti, Central America, Chile, East Timor, India, and other nations. I have worked very hard to free political prisoners and to end political violence.

What have I learned from all these years? Frankly, I have learned there is no standard cut-and-dried approach when it comes to advancing human rights. Of course, there are established minimum standards for human rights, as outlined in the U.N. Declaration of Human Rights, which China has signed.

I am not talking about weakening those standards, never. But there is no set formula for achieving observance of the standards. We must tailor our methods to the particular situation and the particular society.

In the case of China, I am convinced that granting PNTR will not hinder our efforts to improve human rights there. I believe, in fact, it will actually help us in that endeavor.

Some have claimed that passing PNTR will cause us to lose our leverage on human rights. The simple fact is, we have never effectively used the annual trade status review to influence human rights in China, and it is highly unlikely we would do so in the future. Annual renewal of normal trade status has become almost perfunctory. Even in the wake of Tiananmen Square, President Bush renewed China's normal trade status and Congress did not reverse that decision.

As I said, I believe passing PNTR and creating a U.S.-China relationship in the WTO should actually help to improve human rights in China. How much? It is far too early to tell. However, based on my examination of the issues and my experience in China, I concluded that the best way to move China forward is to be engaged with China. And in order to be fully engaged with China, we had to grant PNTR.

The simple fact is, we cannot simply wall China off. When I visited the Great Wall in China this summer, it reminded me how impossible such an effort would be. China could not be walled off centuries ago, and it cannot be walled off today.

Trade and economic ties alone, however, will never magically transform China's human rights policies. But I can tell you, there is a big crack in China's great wall against human rights reform. One day before long, that wall, too, will come down. Look at recent developments in China. There has been a huge influx of new products and services, but more importantly, the people of China are being exposed to new ideas and new influences regarding human rights, political rights, and religious freedom.

Now we have the Internet. I can say one thing I learned in China. The Chinese Government may be able to censor TV and to censor the radio and the newspapers, but no matter how hard they try, they will not be able to control or censor the Internet. Nearly every single person Senator LAUTENBERG and I talked with in China told us that we should support PNTR. We even met with dissidents and human rights activists in Hong Kong, people under no coercion from the Chinese Government, who had fled China, who can't even go back to China, who urged us to support PNTR. They said that anything that helps to open up China, that brings in people and ideas, is helpful.

Throughout my over 25 years in working on human rights, I have seen that they are right. We must expose countries to the influence of the rest of the world if we want them to change their policy on human rights.

I noticed the editorial in the Washington Post this morning about the ''Catholic 'Criminals' in China.'' I am sure it has been printed in the RECORD earlier today. It talked about an 81-year-old Catholic bishop who had been thrown in jail—again. We didn't meet with this bishop. We tried, but we could not. We met with Bishop Aloysius Jin Luxian, the Bishop of Shanghai, an 85-year-old Catholic bishop who spent 27 years of his life in Chinese prisons. He is a trained Jesuit. He has been to America more than once, to Europe several times, and while he would not politically comment on PNTR, he told us in no uncertain terms that exposure to the rest of the world would be a positive thing for religious freedom in China.

I believe he is right. We must expose countries to the influence of the rest of the world if we want them to change. I also think this is true of relations with Cuba. Our policy against Cuba, trying unilaterally to isolate it, has been counterproductive. If we want Fidel Castro to change, we have to open the doors and let people trade and visit and move around freely. Our official policy is the best thing Castro has going for him.

So I conclude that PNTR will help move China toward a greater respect for human rights because it will open them up to new ideas and influences.

Even though I concluded that China PNTR offers opportunities for businesses, workers, and the economy, many people—myself included—have legitimate concerns about the impact of this bill on America's working men and women. Many labor leaders were worried that passing PNTR would cause job shifts to China.

This is a legitimate concern. It is true that for a number of years jobs have been shifting to countries—including China—that pay lower wages

and tolerate poor working conditions, even abuses of worker rights. But I cannot see how denying China PNTR would have done anything to prevent jobs from moving to other countries. Some 20 years of annual reviews of China's trade status have done nothing to reverse this trend. Again, as I said, PNTR will not make the United States any more open than we have been in the past to imported products.

Instead of focusing so much just on the issue of extending PNTR to China, we have to take a broader focus and chart a new, bold course to counter the adverse effects of globalization.

We first need to look in our own back yard, examine our own laws—especially tax laws—to see whether they discourage businesses from staying and investing in American workers. We have to eliminate any tax provisions that encourage companies to move jobs and production overseas.

We also should fully utilize U.S. laws that classify unfair labor practices as unfair trade practices, which, of course, they are. Section 301 of our trade law treats the systematic denial of internationally recognized worker rights as an actionable, unreasonable, and unfair trade practice. No case has yet been brought under this provision of section 301. So we do not know exactly how it may apply. But it is time for the United States to enforce this law to the maximum extent possible.

I am encouraged by the statements of Vice President AL GORE. I will quote from a statement he made at an APEC business summit in Malaysia:

> And as we open the doors to global trade wider than ever before, let us build a trading system that lifts the fortunes of more and more people. Let us include strong protections for workers, for health and safety, for a clean environment. For at its heart, global commerce is about strengthening our shared global values. It is about building stronger families and stronger communities, through strong and steady growth around the world.

On July 9 of last year, before the Washington Council on International Trade, Vice President GORE said:

> We also must ensure that when it comes to trade, labor rights and environmental protection are not second-class issues any longer.

He has also said:

> I will insist upon and use authority in those agreements to enforce workers rights, human rights and environmental protections. We need to make the global economy work for all—and that means fighting to make sure that trade agreements contain provisions that will protect the environment and labor standards as well as open market in other countries.
>
> We need to use trade to up standards around the world and not drag down standards here at home.

In future trade negotiations, future trade agreements, labor rights, human rights, and environmental protections must be an integral part of those agreements.

There is no good reason why the WTO doesn't currently protect the rights of workers. Some will argue that labor rights are not trade related. I say nonsense. Intellectual property isn't directly related to trade, but the WTO has strong rules protecting intellectual property. Why should protecting intellectual property be any more important than protecting children against child labor or guaranteeing workers the right to organize? I don't understand why the WTO protects CDs but not child workers.

The WTO protects the intellectual property because it is produced by human effort and it has value. If someone abuses intellectual property rights, that decreases or destroys the value of the intellectual property. That is why the WTO protects it.

But what about workers? Work is also produced by human effort and it has value. But let's say an American worker loses a job because that job has been shifted to a country where worker protections don't exist, wages are a few cents an hour, and there is rampant forced labor and child labor. Hasn't the value of that worker's labor been lessened or destroyed in the exactly same way as intellectual property is devalued when it is abused? What is the difference between stealing the products of someone's creativity and stealing the fruits of someone's labor? There is none.

Globalization is the face of the 21st century. We must keep up the pressure to include enforceable labor rights in future trade agreements and particularly in new WTO rules. As the world's leading industrialized Nation, the United States has the responsibility, the authority, and the influence to lead this effort.

Again, I firmly believe we need a strong course of action to help American workers in the face of globalization. However, that was not what this bill was about. This bill was just about PNTR for China. It doesn't remove any protections for American workers or further open the United States to imports. And it should, as far as I can tell, provide some new economic opportunities for American workers.

So, on balance, I believe that passing this bill was the right choice for the United States and China. But no one should be under the illusion that PNTR and China's joining the WTO will automatically open up China's markets or its society. In a sense, passing PNTR is just the beginning of a long, hard journey for the United States.

Our work to bring China into the WTO and to pass PNTR won't amount to a hill of beans if China is not held to its commitments. We simply cannot afford to drop the ball by failing to stand up and vigorously enforce WTO rules and the agreements China has made. Joining the WTO is also the beginning of a long, hard journey for China.

We must never let up in the fight to include enforceable labor rights and environmental protections in future trade agreements. And in the face of rapid globalization, it is critical that we reform U.S. labor and tax laws so America's working men and women don't have the deck stacked against them.

As I said, trade alone is not enough to improve human rights in China or elsewhere. Just last month, I stood in Tiananmen Square, and right off of there is a big McDonald's, a symbol of Western economic influence in China. However, right near the McDonald's on Tiananmen Square, members of the Falun Gong gather each morning to do their exercises and meditation. They are not disturbing the peace, being violent; they are simply meditating and doing their exercises right in the shadow of McDonald's. Like clockwork, every morning, the police come by and arrest them. So adding more McDonald's restaurants and ensuring freer trade doesn't mean China will suddenly respect individual rights.

We have to keep up the fight for human rights—and that includes the rights of workers—using all the tools available to us.

When Senator LAUTENBERG and I were in China last month we raised the issue of prison labor at every level. We hammered away at that issue, and repeatedly asked to visit and inspect a prison labor facility. At first we ran into a brick wall, but eventually we had a breakthrough. Chinese officers still refused to allow us to visit a prison labor site ourselves, but they agreed to renew their compliance with the 1992 and 1994 agreements against sending products of prison labor to the United States. In fact, we got that assurance from Premier Zhu Rongji himself.

I am pleased to report that just a week and a half ago, U.S. Customs agents were able to visit a prison labor site in China.

We must also expect and demand that United States companies that do business in China respect human rights and the rights of workers.

If I may refer back to this article with the children in the sweatshop making toys to supply MacDonald's, when I got back to Washington, I immediately arranged to meet with MacDonald's executives in my office. They were quick to tell me that they first learned of this child labor scandal when they read about it in the papers, and that the child laborers were not employed by McDonald's, but by a subcontractor of a toy vendor. In fact, McDonald's has a voluntary code of conduct and zero tolerance policy prohibiting child labor and substandard employment practices. McDonald's has since cut off ties with that toy vendor and is responding to this child labor problem. All of this underscores the urgent need to rewrite our trade agreements so that exploitative child labor

and other abuses of the rights of workers are considered unfair trade practices and a basis for trade enforcement action in the WTO.

In conclusion, Mr. President, I voted for China PNTR, with the full realization that a tremendous amount of work still remains unfinished. That's why, having cast this vote, we must make a commitment to redouble our efforts to include workers' rights and environmental protections in future trade agreements, and strengthen our own laws and tax code to encourage greater investment in our American workers, and in education and job training.

Mr. WELLSTONE. Mr. President, though we are in disagreement, I thank my colleague from Iowa for his fine words on the floor of the Senate.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B Non-Immigrant Aliens:

Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, John Ashcroft, Gordon Smith, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B Non-Immigrant Aliens, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The yeas and nays resulted—yeas 97, nays 1, as follows:—

[Rollcall Vote No. 252 Leg.]

YEAS—97

Abraham	Feinstein	McConnell
Allard	Fitzgerald	Mikulski
Ashcroft	Frist	Miller
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Enzi	Mack	
Feingold	McCain	

NAYS—1

Hollings

NOT VOTING—2

Akaka Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BENNETT. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4516), and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk reads as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 4516 making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 27, 2000.)

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the floor situation right now? Is the floor open?

The PRESIDING OFFICER. The Senate is considering the conference report on H.R. 4516 under a time agreement.

Mr. HARKIN. Further parliamentary inquiry: What is the time? I am sorry.

The PRESIDING OFFICER. The Senator from Iowa does not have time under the agreement.

Mr. HARKIN. How much time is there?

The PRESIDING OFFICER. The managers have 2 hours equally divided. Senator MCCAIN has 1 hour; Senator THOMAS has 1 hour; Senator KENNEDY has 30 minutes; Senator WELLSTONE has 30 minutes; Senator DORGAN has 30 minutes; and Senator CAMPBELL has 30 minutes.

Mr. HARKIN. Mr. President, again, I still want to understand the parliamentary situation confronting the Senate right now. We are on the conference report on Treasury-Postal appropriations and legislative branch appropriations; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. There has been a unanimous consent entered into that set a time limit on this bill and the number of speakers, and their time is also set.

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, will the Senator yield for a second? If the Senator needs time, I will give some of my time to the Senator.

Mr. HARKIN. Mr. President, I yield the floor.

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

Mr. BENNETT. Thank you, Mr. President.

Again, to clarify the situation, I understand that we are now engaged in 6 hours that will lead ultimately to a vote on the conference report on the legislative branch appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator from Utah is correct.

Mr. BENNETT. I understand that I have 1 hour under my control.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. I hope that hour will not be necessary. I am prepared to deal with it. I am prepared to stay on the floor during the hours that are allocated to other Members of this body. But I hope we can move this more rapidly than the 6 hours.

This is my fourth year as chairman of the Legislative Branch Subcommittee and the second year that I have had the privilege of serving with Senator FEINSTEIN as the ranking member.

I want to begin this report by thanking Senator FEINSTEIN for her assistance in working on the conference report in the House. She, as you know, Mr. President, is a former mayor. That experience gives her a unique insight into some of the issues that we face in this subcommittee. So I pay tribute to her and to her staff and to the professional way in which she has handled her responsibilities.

In our final session of the conference, the question was raised by Mr. OBEY in the other body as to whether or not there would be additional legislation added to the conference report. I told him at the time that I knew of no such plan or program. I spoke accurately at the time. However, as things often happen around here, changes did occur under the sponsorship of the leadership of both Houses. As a consequence, the conference report is somewhat expanded from that which was negotiated.

Division A of H.R. 4516 contains the conference agreement for the legislative branch appropriations for fiscal year 2001, and additional funding for the credit subsidy which supports the FHA multi-family housing insurance programs. Provision B contains the conference agreement for the Treasury-general government appropriations and repeal of the excise tax on telephones.

This bill has attracted attention, and the allocation of time that has been set up around this bill is demonstrated by the time under the control of Senators who have nothing to do with the Appropriations Subcommittee on Legislative Branch and who presumably will talk about other issues than those that are directly connected with the legislative branch appropriations.

I will limit my comments to the conference agreement on the legislative branch and defer to the other subcommittee chairmen and other Senators who will address the funding that is contained in this bill under their jurisdiction.

This conference agreement appropriates $2.53 billion for fiscal year 2001, which is approximately a 1.6-percent increase over the funding for the fiscal year 2000 level, including the supplemental funding.

Both Senator FEINSTEIN and I are proud of the fact that we have kept the increase at such a low level, as we have tried to be as responsible as possible in allocating funds for the legislative branch.

We spent a great deal of time going over the accounts and the increases that agencies have had over the last 4 years to find where we could best and most fairly cut or hold down expenditures without impacting employees.

Our goal was to ensure that funding would be provided for all current legislative branch employees. We have met that goal. No RIFs, or reductions in force, will be required under this agreement.

Another priority was to make sure that adequate funding is provided for maintenance projects, particularly the projects that involve health and safety issues. I have long since learned in my business career that one of the quickest ways to temporarily show an increase on the bottom line is to cut back on maintenance. One of the surest ways to guarantee that you will get into trouble long term is to cut back on maintenance. We have tried to make sure that we didn't make that mistake here in our desire to hold down the total amount that was being spent.

We have also spent a great deal of time talking about security. We made sure that the resources were made available to the men and women who protect the Capitol, its visitors, and Members and staff.

I think we have accomplished all of our goals within the current funding restraints. The conference agreement on the legislative branch is a good agreement. I urge my colleagues to support it.

Before I yield so that Senator FEINSTEIN can make her comments, I would like to thank the staff for their hard work: Christine Ciccone, who acts as the majority clerk; Chip Yost, my legislative director; Jim English, who represents the Democratic staff director; Edie Stanley with the Appropriations Committee; and Chris Kerig from Senator FEINSTEIN's office, all of whom have performed yeomen service, staying up late nights and coming in the early morning to make sure those who get the spotlight on the television look better than perhaps we really are. I pay them that tribute and extend to them my personal thanks for all the work they have done.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I acknowledge the comments made by the chairman of the Appropriations Subcommittee on Legislative Branch and indicate my agreement with them. I also thank the staff people he has duly mentioned, and I want to speak particularly to the funding of the legislative branch.

It is my understanding on our side of the aisle that there is deep concern about the addition of the Treasury-Postal bill on this bill, largely because it contains a measure which would use 25 percent of the non-Social Security surplus. I will leave that to others to discuss.

Senator BENNETT and I worked in a bipartisan way on the fiscal year 2001 legislative branch appropriations bill. I believe it is a very good bill. It addresses the critical areas of concern for the legislative branch and is in the best interests of those whom we serve. We worked very hard to ensure that each agency within our legislative branch was treated fairly, and even though we were not able to fully fund every agency's request, we made every effort to distribute the scarce resources as fairly as possible. In some cases, we were able to make modest increases above last year's level.

I particularly note that the $97.1 million which we are providing for the Capitol Police will fund 1,481 full-time equivalents, a level which conferees believe will enable the appropriate staffing at building entrances to ensure the security of our Capitol campus.

Additionally, in order to address some very critical needs, the conference agreement provides to the Capitol Police $2.1 million in fiscal year 2000 emergency supplemental funds for security enhancements, and provides the Architect of the Capitol $9 million in fiscal year 2000 emergency supplemental funds to move forward with a number of urgent building repairs.

This is my second year as ranking member of the Appropriations Subcommittee on Legislative Branch, working alongside our dedicated and distinguished subcommittee chairman, Senator BENNETT. Senator BENNETT is always very open and willing to discuss the various issues that arise in relation to this bill. He has been very accommodating to my concerns as well as to the concerns of other Members of the Senate. I know that firsthand. In fact, he never ceases to amaze me with his extensive knowledge of the various departments and agencies under the legislative branch—not only their basic structure and the function of those agencies but their legislative histories as well. It has been a great pleasure for me to work with Senator BENNETT on this bill.

I urge the adoption of the conference agreement.

I yield some time, with the approval of Senator BENNETT, to Senator HARKIN.

Mr. BENNETT. Will the Senator yield?

Mrs. FEINSTEIN. I yield.

Mr. BENNETT. With Senator HARKIN not currently on the floor, Senator BOND desires a few moments. Could we ask unanimous consent that Senator BOND be allowed to proceed with Senator HARKIN to follow?

Mrs. FEINSTEIN. I agree.

Mr. BENNETT. I yield to Senator BOND.

Mr. WELLSTONE. Could I ask my colleague whether, in the proper order, I could then follow Senator HARKIN, or after you two are done?

Mr. BENNETT. If you have the time, fine

Mr. WELLSTONE. I have my own time.

Mr. BENNETT. That is correct, the Senator from Minnesota has his own time. We have no objection to his using the time in that sequence.

With that, I yield to Senator BOND such time as he may require.

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

Mr. BOND. Mr. President, I extend my deepest thanks and appreciation to the floor managers of the bill, the chairman and the ranking member.

I take the floor today because there is an issue that has been in and out of

this body and is currently in conference negotiations. It is also going to be the highlight of the news probably tomorrow. I understand the Vice President is scheduled to talk about the HUB Zone Program. This is a program that I authored in the Committee on Small Business and this body unanimously accepted 3 years ago. I am concerned about it because HUB zones are another example of this administration's record of squandered opportunities.

To begin at the beginning, in 1997, the Committee on Small Business reported out legislation to create the HUB Zone Program—historically Underutilized Business Zones. This program seeks to use Federal contracting, Federal purchasing, to generate business opportunities and jobs in the areas of high poverty and high unemployment across the Nation.

We created incentives to get small businesses to locate and bring jobs to the distressed areas, areas that usually would not be considered good places to locate in general business judgment. These distressed areas lacked established customer bases, trained workforces. They have been out of the economic mainstream. But the HUB Zone Program was designed to bring small businesses into the area.

I came up with this idea after talking with a friend who headed up the JOBS Program in Kansas City. I asked him about bringing more job training programs to the inner city. He said: Stop sending us job training programs; we have trained people and retrained and retrained. He said: Send us some jobs. I thought: there's a good idea.

So we set up a program that was designed to reward small businesses located in areas of high unemployment. Unfortunately, when we proposed that idea, immediately the Clinton-Gore administration declared its opposition. I have a letter from the Administrator of the SBA, enclosing a statement of administrative policy:

> . . . the administration remains concerned and opposed to . . . provisions relating to HUB Zones.

The administration raised a red herring that has dogged the program ever since. The alleged concern was that HUB Zones would somehow harm the 8(a) Minority Business Development Program.

I ask unanimous consent the statement of administration policy be printed in the RECORD.

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

SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 6, 1997.

Hon. JOHN J. LAFALCE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LAFALCE: The Administration supports reauthorization of the programs of the Small Business Administration and supports House passage of S. 1139. The bill reauthorizes small business loans which assist tens of thousands of small businesses each year and contributes to the vitality of our economy. This bill recognizes the importance of women and service disabled veteran entrepreneurs and makes permanent SBA's microloan program which helps those entrepreneurs who need small amounts of credit. While we are not in total agreement on all its provisions, we need this legislation to ensure that we can continue to properly serve our small business customers.

The Administration appreciates the improvement made in the version of the bill recently passed by the Senate which maintains the current preference for businesses participating in the 8(a) Business Development Program.

For the reasons stated in the attached Statements of Administration Policy, the Administration remains concerned about and opposed to S. 1139's provisions relating to HUB Zones, contract bundling, and the extension of the Small Business Competitiveness Demonstration Program. The Administration notes that the contract bundling provision is less burdensome than previous versions. Should this legislation be enacted, we will continue to work with the Congress to modify these provisions.

The Administration appreciates the opportunity to comment on the bill, and thanks the House and Senate Small Business Committees and their staff for working with us on this important legislation.

Sincerely,

AIDA ALVAREZ,
Administrator.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 8, 1997.

STATEMENT OF ADMINISTRATION POLICY

The Administration strongly supports reauthorization of the programs of the Small Business Administration and supports Senate passage of S. 1139, with the changes described below. The bill reauthorizes small business loan programs which assist tens of thousands of small businesses each year and contribute to the overall vitality of our economy. The Administration also supports the increase in the government-wide small business participation goal in federal contracting from 20 to 23 percent, following a phase-in period and in conjunction with the elimination of the Small Business Competitiveness Demonstration Program.

However, the Administration strongly opposes the bill's changes to current law on ''contract bundling,'' as well as extension of the Small Business Competitiveness Demonstration Program and creation of the ''HUD Zone'' program. The Administration will seek amendments to address these and other concerns as addressed below.

Contract Bundling. The Administration is committed to maintaining a strong role for small businesses in Federal contracting, but is concerned that the proposed changes to the current law contract bundling provisions could deny taxpayers the cost savings and improved quality achievable by appropriate consolidation of Federal contract requirements. Therefore, the Administration urges the Senate to maintain current law, which provides sufficient authority and flexibility for the Administration to protect the important interests of small businesses.

Small business Competitiveness Demonstration Program. The Administration strongly opposes any extension of the Small Business Competitiveness Demonstration Program. Small businesses will substantially benefit from discontinuing this program and lifting the unnecessary paperwork and reporting burdens it imposes. Moreover, the Administration believes that if this demonstration program is not allowed to terminate the scheduled, S. 1139's small business participation goal will be extremely difficult to achieve.

HUB Zones. The Administration strongly supports new efforts to promote economic development in the Nation's distressed urban and rural communities. The bill's HUB Zones provision, however, could weaken one of the strongest tools for achieving this objective by according the proposed program a contracting priority equal to that of the 8(a) program.

The Administration has already proposed regulations and is ready to begin pilots for the Empowerment Contracting Program (ECP), a new contracting program targeted at distressed communities. The Administration believes that these tests should be permitted to proceed, and that they will demonstrate the ECP's ability to accomplish the goals of the HUD Zones provisions at less expense and without affecting the 8(a) program.

Other administration concerns

The Administration will also seek amendments to:

Remove proposed restrictions on the SBA's ability to use Women's Business Center funding to finance the costs of administering the program. Removal of these restrictions is important to ensuring the effective execution of this program.

Maintain the ability of Small Business Development Center (SBDCs) to charge appropriate fees for counseling services provided under the program.

Authorize sufficient microloan technical assistance funding to support the projected growth in this program.

Reauthorize the Small Business Technology Transfer (STTR) Program for three years, rather than six. The three-year authorization proposed by the Administration is consistent with the authorization period for the companion Small Business Innovation Research (SBIR) Program, and provides a reasonable period for both achieving and evaluating program results.

Delete the proposed pilot program targeting technical assistance to certain States. This provision would divert scarce resources needed to administer the STTR and SBIR programs.

Pay-as-you-go scoring

S. 1139 would increase direct spending; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may differ from these estimates.

Pay-as-you-go estimates

[In million of dollars]

Outlays	
1998	1
1999	1
2000	1
2001	1
2002	1
1998–2002	5

Mr. BOND. The truth is, the 8(a) program has no reason to fear the HUB Zone Program. In fact, they should be able to work nicely together. The 8(a) program helps to seek minority programs own a greater stake in the economy by focusing on ownership and development of small business.

The HUB Zone Program, on the other hand, focuses on developing jobs and opportunities in distressed areas, many of them still minority communities. One brings jobs; the other brings ownership. The two programs are two prongs of the same fork. HUB Zones in 8(a) should not fight with each other but focus on the common threads, such as contract bundling that hurt them and all other small businesses alike.

Yesterday, I was pleased to receive a letter from my friends at the National Black Chamber of Commerce in which they recognized how these two programs must work together. Harry Alford, Chamber president and CEO wrote:

To date, the Small Business Administration and other agencies have not aggressively pursued the utilization of this valuable vehicle—

Referring to HUB Zones.

There is a false perception that it is here to replace the 8a program. The author has been guilty of that same fear. In further research and reflection, it appears that the anxiety is unjustified. 8a is in the suburbs and nothing is in the inner city. It will be the HUB Zone activity that will spur a renaissance where economic activity is lacking. We must support the HUB zones.

Mr. President, I ask unanimous consent the letter from Mr. Alford be printed in the RECORD.

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

NATIONAL BLACK
CHAMBER OF COMMERCE,
Washington, DC, September 18, 2000.

Re 8a and HUB zone programs

Hon. KIT S. BOND,
Chairman, Senate Small Business Committee, Washington, DC.

Hon. JOHN F. KERRY,
Ranking Member, Senate Small Business Committee, Washington, DC.

Hon. JAMES TALENT,
Chairman, House Small Business Committee, Washington, DC.

Hon. NYDIA VELÁZQUEZ,
Ranking Member, House Small Business Committee, Washington, DC.

DEAR LEADERS OF THE SMALL BUSINESS COMMITTEES: The 8a program throughout the years has been a successful program. It has yet to reach maximum levels of utilization but there are few successful Black owned businesses today that have not gone through the 8a program during their developmental years.

However, there is something the 8a program has been unable to address and that is turning around the economic plight of our distressed inner cities and underdeveloped rural communities. The vast majority of 8a firms are in suburban and developed neighborhoods. Their employees usually do not come from distressed or underdeveloped communities. The 8a program serves a particular need and should continue in its present form. What is needed is a better spread of activity. That is, most companies certified as 8a do not get contracts from the program. According to the latest GAO report, in 1998 over 50% of 8a contracts went to 209 firms, which is only 3.5% of the 6000 firms in the program. This needs to be improved.

In addition to keeping the 8a program intact, we must look at rejuvenating our inner cities and depressed rural communities. The key to that quest is the HUB Zone program. The HUB Zone legislation is valuable to the economic future of our targeted communities.

To date, the Small Business Administration and other agencies have not aggressively pursued the utilization of this valuable vehicle. There is a false perception that it is here to replace the 8a program. This author has been guilty of that same fear. In further research and reflection, it appears that the anxiety is unjustified. 8a is in the suburbs and nothing is in the inner city. It will be the HUB Zone activity that will spur a renaissance where economic activity is lacking. We must support the HUB Zones!

Therefore, the National Black Chamber of Commerce will begin a ''roll out'' marketing the HUB Zone program to municipalities throughout the nation. We will identify HUB Zones in these communities and certify HUB Zone companies and recruit companies to relocate in these zones. The HUB Zone program will rise through our infrastructure of 180 affiliated chapters located in 37 states. If the federal government will not hold sufficient workshops and properly market the program, we will. It is too important to hold on a shelf or at bay fearing it will cannibalize the 8a program. The two have different roles.

To ensure either program will not adversely affect the other, we propose the following. There should be a bi-annual report from the Federal Procurement Data Center (GSA) that will review the trends in contracting in both the HUB Zone and 8a companies. This review should test the prospect of HUB Zone contracts growing at a cost to 8a companies. If any such trend exists, the Small Business Committees must implement immediate redress. The first review can be due June 30, 2001.

We believe the above can be a win-win for both philosophies. We ask your consideration and hope the SBA reauthorization will be resolved in the near future. I will be happy to entertain any queries or participate in any meetings with your staffs. For the sake of small business, it is time to aggressively move on.

Sincerely,

HARRY C. ALFORD,
President & CEO.

Mr. BONDS. Mr. President, we resolved the issue of how 8(a) and HUB zones would interact in 1997, by directing that the programs should not compete with each other for contracts. We placed responsibility on the contracting officers to monitor both programs, and to have discretion to divert contracts to whichever program might be falling behind at a given moment. That way both programs can succeed.

We incorporated language to that end in our legislation, and included clarifying language in our committee report. The other body agreed to our revised language, and the President signed the HUB Zone Act into law on December 2, 1997. Everyone involved agreed to the final resolution of this matter.

Subsequently, the Clinton/Gore administration decided that the program they opposed was not so bad after all. In April of 1998, the White House put out a press release in which the Vice President announced an exciting new program, the HUB zone program, that would likely create 25,000 new jobs. To judge from their press release, the HUB Zone Act was a Presidential initiative that ''built upon'' a Presidential Executive order. Apparently no legislation was involved, which was news to those of us who developed it, worked hard, and passed it.

The Vice President in his statement, however, overlooked one key fact, which was that HUB zone small businesses would have to wait nearly a full year before the program would start operating. It was not until late March of 1999 that SBA finally got the program off the ground and started taking applications. Even that occurred only after an exchange of several letters between my committee and the SBA Administrator. When we scheduled a hearing on SBA's budget request, SBA apparently decided they had better be ready to announce the program, so the Administrator came to the hearing ready to make that announcement.

That was exciting, but then more delay occurred. It took yet another year for SBA to process and approve 1,000 applications from HUB zone businesses. This is not nearly enough to meet the program's needs.

The HUB zone program called for 1 percent of Federal contracts to be awarded to HUB zone firms in 1999, rising to 1.5 percent in 2000. One thousand firms is not nearly enough to provide two to three billion dollars in contracting. It just isn't enough.

Without enough certified companies, the HUB zone program is doomed to failure. This fact did not go unnoticed by the contracting officers who need to award the contracts, who cited the lack of certified companies as an excuse not to do much work on the program.

We were puzzled by this failure. After a series of letters and meetings, it appears at least two factors were involved. First, the SBA chopped 10 percent of the HUB zone budget out of the program, and diverted it to other SBA activities. SBA cited the need to pay for incidental costs that HUB zone program implementation imposed on other offices at the agency, but the ten percent whack continued even after the program was finally up-and-running.

Second, it became apparent that a regulatory provision was keeping small businesses from becoming qualified. In an attempt to have the HUB zone program work effectively with other SBA programs, SBA included a requirement that HUB zone firms be affiliated only with firms that are eligible for those SBA contracting programs.

This provision was probably well-intended. But it became apparent that this was preventing firms from participating. An otherwise-qualified firm that was affiliated with a holding company to manage its real estate (like its headquarters building) would be disqualified if that holding company was

not eligible for other SBA programs. Those holding companies are typically an administrative or tax convenience, so they had never intended to participate in SBA programs, so their presence disqualified the firm.

SBA informed us that they were concerned about the unintended effects of this provision. In February of this year, they sought my committee's guidance on whether they sought do away with this unduly restrictive affiliation rule. On February 16th, I wrote Administrator Alvarez to say that I agreed with that proposed change, and she wrote back on February 25th to say she agreed and that SBA would do away with the restriction.

It is now seven months later, and the regulations to implement the change we agreed to have not been published. Another seven months of delay and frustration. As Everett McKinley Dirksen once said, a year here and a year there—pretty soon you're talking about real obstructionism.

This program is designed to get jobs to people in areas where they need work, the people moving off welfare, the people at the bottom economic rung. I would be delighted if the Vice President backed up his rhetoric when he talks about HUB zones by doing something about it. They opposed it from the beginning. They claimed credit for it. They have taken away the budget for it. They have imposed regulatory roadblocks. They have not implemented it.

They have had their chance and they have not led. We are going to continue to work with the SBA Administrator. We need SBA to get the revised regulations out, to get the certification process moving. It could have been an island of excellence in the sea of neglect in the Clinton-Gore administration.

When the Vice President goes out tomorrow to claim credit for the program and talk about it, perhaps somebody will ask him why 2½ years, almost 3 years after the program was passed, how come it is still weighted down in a bureaucratic maze? I think it is a good program. I think it is a good concept. My colleagues in this body on a bipartisan basis unanimously agreed to it. This is a chance for the administration to stop talking and do something.

I am from Missouri. Frothy eloquence neither satisfies nor convinces me. I want to be shown. I hope, for a change, we will see some significant action, rather than just talk, out of the administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, a slight change has been worked out in the order of speeches. I now yield to the Senator from Colorado, who will address the Treasury-Postal portion of this bill. That has been done with the understanding and approval of the minority.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank the manager, my friend from Utah. I would like to review the Treasury and general government section, which was added to the legislative branch bill in conference.

I am going to repeat a few numbers. They are rather dry, but they are important numbers for my colleagues. Needless to say, I think this is an important section and hope they support it. Budget constraints made it impossible for the committee to fund all requests made by the administration and by our colleagues in the Senate, too, but we tried to accommodate all of the requests as far as we could.

I think, as does my ranking minority member, Senator DORGAN, we would probably have preferred to bring this bill to the floor as a free-standing bill, but time constraints prevented us from doing that. But I believe it is still a good bill. Let me go over some of the numbers.

Mr. President, the Treasury and general government portion of this conference report contains a total of $30,371,000 in new budget authority. Of that, $14,679,607,000 is for mandatory programs over which the Appropriations Committee has no control.

This conference report strikes a portion between congressional priorities, administration initiatives, and agency requirements. Preparation of the Senate committee-reported bill would not have been possible without the hard work and cooperation of the ranking member of the subcommittee, Senator DORGAN, and his staff.

As we consider the Treasury and general government portion of the legislative branch conference report, I would like to highlight some of the provisions before us:

We emphasize on the need for the Gang Resistance Education and Training Program—called GREAT—by including $3 million more than the administration request for grants to State and local law enforcement.

We provided a total of $93,751,000 for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. This includes:

$19,078,000 to fully staff and expand the Youth Crime Gun Interdiction Initiative, bringing the total to 50 cities. This program allows ATF to track and prosecute those who supply guns to our youth.

Also, $23,361,000 for expanded ballistics imaging technology, and $41,322,000 to significantly expand the Integrated Violence Reduction Strategy to support criminal enforcement initiatives such as Project Exile and Project Ceasefire to combat violent crime.

We have also included $13,700,000 for the Southwest Border Customs staffing initiative, $130 million for the Customs automation effort, called ACE, and $2,572,000 more to combat importation of items produced by forced child labor.

Speaking of youngsters, Mr. President, I am pleased to note that we have been able to fund the ONDCP anti-drug youth media campaign at $185 million.

We have spent over half a billion dollars in this program in the last several years.

Title II of this section provides $96,093,000 for the U.S. Postal Service and continues to require free mailing for overseas voters as well as for the blind, as well as a 6-day delivery and prohibit the closing or consolidation of small and rural post offices.

Title III contains a total of $691,315,000 for the Executive Office of the President. This includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and the funding for the media campaign to which I alluded.

There is $29,053,000 for the Counterdrug Technology Assessment Center for their program to transfer technology to State and local law enforcement agencies. This is an ongoing program and has been a huge benefit to both State and local law enforcement groups.

There is $206 million for the High Intensity Drug Traffickers Area Program, called the HIDTA Program. This is an existing program, and the funding is continued in this bill under the current level. HIDTA Programs coordinate local, State, and Federal antidrug efforts. It has met with a great deal of approval with local and State law enforcement. As a matter of fact, many Senators requested expansion of this program, but we had to live within our budget constraints.

Title IV is independent agencies, such as the Federal Elections Commission, the General Services Administration, the National Archives, as well as agencies involved in Federal employment issues, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management.

Also included in this title are mandatory accounts to provide for Federal retiree annuities, health benefits, and life insurance. The conferees have provided a total of $15,986,378,000 for this title in fiscal year 2001.

For the first time in 4 years, the administration has requested funding for courthouse construction. Although we have not been able to fund the entire list due to limited resources, we have included funding for four courthouse projects in fiscal year 2001, as well as an additional four projects in fiscal year 2002.

Again, I thank the ranking member of our subcommittee, Senator DORGAN,

for his hard work and support. Certainly this bill would not have been possible without his assistance. Too often we forget the hard work of staff—for Senator DORGAN, Chip Walgren and Steve Monteiro; for the majority, Pat Raymond, Tammy Perrin, and Lula Edwards—who deserve a great deal of credit for the long hours, nights, and sometimes weekends spent in trying to put this section of the bill together. I believe this conference report deserves the support of the Senate.

One last thing, Mr. President. We are still obviously in a state of shock and loss at the death of our colleague, Senator Paul Coverdell, who was a tireless worker in trying to reduce youth violence and drug use. His life was a model of what youngsters should aspire to. In his honor, we have named the Federal Law Enforcement Training Center's newest dormitory building at Glynco, GA, for him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased to join the subcommittee chairman, Senator CAMPBELL, in bringing this hybrid bill to the Senate floor. The process by which we have arrived here today is one which I hope we will not replicate on other appropriations bills for the remainder of the year. I will not belabor the point about the process. It is unfortunate that the Senate was unable to enact its will on this legislation when it initially was reported out of the full Appropriations Committee on July 20. This is not a reflection on the chairman—he produced a bill in a short period of time acting on the instructions he was given. I cannot fault him for this. In fact, I congratulate him for many of the good decisions which were made on the substance of this legislation, but the fact remains that the Senate was not well-served by this process.

The conference report before us today provides $15.6 billion in discretionary budget authority for high priority law enforcement, trade enforcement and good government programs. It is approximately $1.1 billion above the level of funding approved by the Appropriations Committee in July. It is also $1.9 billion above last year's enacted level. Yet is remains $900 million below the President's request. This is one of the main problems with the underlying bill. While funds were added for a number of administration priorities, the bill remains deficient in a few areas, primarily regarding IRS staffing and counter-terrorism programs. I have received assurances that additional funds will be provided for a number of these deficiencies in later appropriations bills. Former President Reagan used to say, ''Trust, but verify.'' I trust my colleagues and look forward to verifying that additional funds will be found.

In many ways, however, this conference report is a good bill. Compared to the bill that was reported out of the Appropriations Committee, many of the problems with that bill have been resolved. Objectionable language regarding guns has been removed. Many agencies are fully funded at the requested level. The Customs Service's computer modernization program is well funded at $130 million. A good first step has been made to reduce the court house construction backlog.

This bill represents a responsible and balanced piece of legislation. I want to note that it has been a pleasure working with Senator CAMPBELL on this legislation. He and his staff have been professional and diligent in representing our interests and assisting us in formulating this legislation. I also want to take this opportunity to thank his staff, Pat Raymond, Tammy Perrin, and Lula Edwards for their hard work and cooperation in crafting this bill. I also wish to note the work of my staff, Chip Walgren, Steve Monteiro, and Nicole Kroetsch, on this legislation.

As the chairman noted, this bill funds base operations for the Treasury Department, its agencies and other general government operations. It maintains current operating levels in most instances and annualizes the costs of FTE, full time equivalent, increases made in last year's bill. It is designed to limit, as best we can, undue impacts on personnel. We have tried to avoid funding cuts which would require reductions in FTE after we increased FTE levels in fiscal year 2000.

Within the constraints imposed by our allocation, we have attempted to accommodate Members' requests where possible. However, our allocation also means that no Member received everything he or she requested. I would note that we received requests from over 75 individual Members to include funding for programs they consider of importance to their State or the Nation.

I must note that there were a number of deficiencies in this bill when it was reported out of the committee. While I did not participate in the drafting of the conference report, I am pleased that many of those deficiencies have been addressed in this legislation.

One of my major concerns is funding for the Customs Service Automated Commercial Environment, known as ACE. The original Senate bill had no funds for Customs' new and crucial computer improvement program. The existing system is the over-worked backbone of our trade flow system. It has been experiencing an ever increasing rate of failures and brownouts. Our trade volume has doubled over the last ten years. Based on the rate of growth in trade from 1996 to 1999, Customs anticipates an increase of over 50 percent in the number of entries by the year 2005.

This is an antiquated system which is becoming increasingly expensive to operate. We need to fund ACE now. The House has provided $105 million for ACE and I am pleased that the conference report includes $130 million for this crucial program.

Another issue that concerns me, as well as the administration, is funding for the Internal Revenue Service. While this conference report does better by the IRS than the original House or Senate bills, we are still more than $300 million below the President's budget request. I have spoken with the Commissioner of the IRS, Charles Rossotti, and I share his fears that funding at these levels may result in staff cuts. I ask unanimous consent that letters from Commissioner Rossotti dated September 8, 2000 and September 15, 2000 be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, September 8, 2000.

Hon. BYRON DORGAN,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: On July 27, the House and Senate Appropriations Subcommittees on Treasury and General Government agreed to a conference report on the Senate Committee-passed and House-passed fiscal year 2001 spending bill. The conference committees $8.494 billion funding level is a $305 million reduction from the FY2001 request. Although this funding level is an increase from FY2000, please recognize that this level would lead to a further decline in the already low levels of compliance activity, and threaten the modernization of IRS computer systems.

Without funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative, the IRS efforts to provide increased service to taxpayers and reduce the decline in audit coverage are at risk. Specifically, toll-free service will drop from the current unacceptable level of 65 percent to less than 60 percent; similar private sector service is above 90 percent. Even more disturbing, audit coverage will continue to decline. Since FY 1998, that rate has declined 49 percent. Furthermore, audits of taxpayers earning more than $100,000 annually a rapidly expending segment of society have declined almost 33 percent from FY1998 to FY1999. Even our ability to collect taxes on acknowledged overdue accounts is declining significantly.

The conference committee also did not fund the requested $72 million for the Information Technology Investment Account (ITIA). The entire $2 trillion of annual tax revenue collected by the IRS is critically dependent on an obsolete computer system developed over 35 years by the IRS. These systems are so deficient they do not allow the IRS to administer the tax system or provide essential service to taxpayers at an acceptable level. Furthermore, because the IRS experiences a 1.5 percent annual workload increase in number of returns processed, either productivity must increase through improved technology or staffing must increase just to remain at the same inadequate service levels. Through the ITIA account provided by Congress, the IRS in the last 15 months has begun the enormous job of modernizing these systems. We must have a consistent funding stream for this program.

Lack of funding for the ITIA account will slow or even halt projects currently underway, increasing the time, cost and risk of our systems modernization.

In order to fulfill requirements of the IRS Restructuring and Reform Act of 1998 and provide effective tax administration, we must have full funding. I urge you to seek ways to provide this funding. Please contact me if you have any questions.

Sincerely,

CHARLES O. ROSSOTTI,
Commissioner.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, September 15, 2000.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: As we discussed earlier today, I am enclosing a set of talking points and a chart on the IRS' FY 2001 budget request and a description of the FTE commitment needed to meet the requirements of the IRS Restructuring and Reform Act of 1998. I cannot thank you enough for your support for full funding of the agency's budget. It is critical to carrying out the Restructuring Act and safeguarding the nation's tax administration system.

If I can be of any further assistance or answer any questions, please do not hesitate to call me.

Sincerely,

CHARLES O. ROSSOTTI,
Commissioner.

Enclosures.

TALKING POINTS FOR IRS BUDGET

BACKGROUND

Full funding for the IRS budget is $8.799 billion—the House-passed conference report if $8.494 billion—or $305 million short of the FY 2001 request.

This $305 million funds two initiatives that are key to the success of IRS' modernization effort (it also adds $4m for Criminal Investigations and $3m for Electronic Tax Administration):

$72 million for technology investments (ITIA) to upgrade the IRS's obsolete and inherently deficient computer systems

$225 million for a hiring initiative (called STABLE—Staffing Tax Administration for Balance and Equity) that will restore the IRS staffing level near the level prior to enactment of the IRS Restructuring and Reform Act of 1998 (RRA98).

KEY POINTS

The IRS needs full funding to deliver on RRA98's mandates.

In terms of technology, IRS has developed a rigorous management process to ensure that its past mistakes (i.e. TSM) will not be repeated. The ITIA funding request is necessary so that the IRS can continue efforts to make technology investments that will have direct benefits to taxpayers in 2001. GAO has repeatedly reported that ''until IRS' antiquated information systems are replaced, they will continue to hinder efforts to manage agency operations and better serve taxpayers through revamped business practices''. Without this funding, the IRS will have to stretch out many of the projects it has planned to improve the administration of the nation's tax system and service to taxpayers. For example, the IRS plans to significantly improve its communications capabilities with taxpayers—allowing service representatives to answer taxpayer calls much more quickly and accurately. This is just the first of a series of planned upgrades to the decades old IRS technology infrastructure that will dramatically improve service to taxpayers and could be delayed.

The staffing initiative (STABLE) is necessary to enable the IRS to stem the precipitous decline in its collection activities and, at the same time, improve assistance to taxpayers. Since 1997, the IRS has experienced an extraordinary increase in demand for its limited staff. (See attached table.) There are two main causes for this increase:

RRA98 created numerous new taxpayer rights provisions that require additional time and resources for IRS employees. The IRS estimates that more than 4500 FTEs were devoted to meeting RRA98's demands—an effective reduction of 5.2 percent in FTE since 1997.

As the economy grows so does the IRS workload. Each year the IRS experience workload growth of 1.8 percent—that translates to an additional 1800 FTE each year just to keep pace with increased processing and compliance requirements.

STABLE is designed to compensate for these increases. Even with STABLE, total IRS staffing will be below the pre-RRA98 level.

IRS FTE RESOURCES IN FY 2001 WILL BE LESS THAN BEFORE RRA '98 WAS PASSED, EVEN AT FULL FUNDING OF THE REQUEST

1997	102,622
1998	.....
1999	99,596
2000	97,361
2001 (IRS request)	99,862

FY 2000 MANDATORY FTE INCREASES FROM RRA '98

[FTE by Program]

Code section	EXAM	Collection	Customer service	Other	Total FTE
1203—Termination of Employment for Misconduct; Incl 1203 Training	.....	107	.....	19	126
1205—Employee Training Program	113	71	177	7	368
3001—Burden of Proof	.....	.....	2	3	5
3201—Innocent Spouse Case Processing & Adjudication	421	14	118	178	731
3301—Global Interest Netting	73	19	10	1	103
3401—Due Process in Collections	.....	108	78	170	356
3417—Third Party Notices	150	270	150	17	587
3462—Offers in Compromise Case Processing	.....	1,536	136	1	1,673
3501—Explanation of Joint & Several Liability	.....	19	.....	1	20
3705—Spanish language assistance/live assistor option/contact on manually generated notices	.....	.....	36	27	63
****—All Other Codes	.....	10	353	166	529
Total	757	2,154	1,060	589	4,560

Mr. DORGAN. Mr. President, in the IRS Reform and Restructuring Act of 1998, we mandated specific goals for the IRS to meet in terms of taxpayer assistance and IRS performance. However, we continue to deny the IRS the resources it needs to meet these mandated goals. This is an administration concern, and it is my concern as well. We must do better by the IRS—if not on this bill—then in subsequent legislation. It is important that we maintain the concept and provision of ''service'' by the Internal Revenue Service.

I am pleased we were able to fund the National Youth Anti-Drug Media Campaign at last year's level of $185 million. While this is still $10 million less than requested by the administration, it represents a continued commitment to getting the message to our young people that drugs can kill. To date we have appropriated over $500 million for the media campaign—with mixed results. We had two hearings this year on the campaign where many of these concerns were raised. While it remains a somewhat controversial program, I will continue to work with the chairman and others ensure that the campaign bears identifiable and quantifiable results.

Finally, I am pleased that the conference report fully funds the administration's requests for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. We fully fund the request to expand existing ballistics identification activities and to expand the Youth Crime Gun Interdiction Initiative, YCGII, program into 12 additional cities. Also, the objectionable gun preference provision—inserted in the original Senate bill without debate—has been dropped. This was a wise action and I congratulate the chairman and others for taking this step.

Again, while I strongly protest the process by which this conference report was drafted, in most respects—this is a responsible bill. It goes far to meeting our commitments to law enforcement and our Federal employees. I am committed to working with Senators STEVENS and BYRD and the leadership to find additional funds for the IRS and counterterrorism on subsequent legislation.

Mr. President, briefly, the statements made by the Senator from Colorado, Mr. CAMPBELL, are accurate statements. He has done an outstanding job. I am very pleased to work with him. We worked closely together on this legislation.

He knows I feel somewhat aggrieved by the process. This bill has not followed the normal course in coming from the full Appropriations Committee to the floor of the Senate. It was taken in an unusual circumstance. It was put into conference, and now a conference report comes to the floor. There are Senators who perhaps would have offered amendments on the floor who were precluded from doing so. That really should not be the case.

This is not a good process. That is not Senator CAMPBELL's fault. The Senator from Colorado is someone who did what was required of him with respect to the leadership decision. I hope we will not have this approach used in future bills. I will have more to say about the Agriculture appropriations bill which is supposed to be in conference now but on which there is no conference. I will speak more about that at a later moment.

My sense is much of what is in this bill is on target. We are about $900 million below the budget request. We made

progress in a whole range of areas. I was very concerned about the program called the ACE Program, the computer modernization program at the Customs Department, known as ACE—Automated Commercial Environment.

The fact is the system for keeping track of what is coming in and going out of this country in trade, the system used by the Customs Service is simply melting down. We need to modernize that system. This program designed to do that was not funded in some of the earlier versions. The bill that is now on the floor does begin that funding with $130 million, a pretty robust amount of funding. For that I am most appreciative.

This legislation is still short with respect to the Internal Revenue Service needs, with respect to some counterterrorism appropriations, with respect to an account called unanticipated needs. The chairman of the full committee has indicated to me that while this is the conference we are dealing with and we have to take action on this conference report, he anticipates being able to respond to those deficiencies in another circumstance. We will probably have an omnibus appropriations bill. The chairman of the full committee has indicated the deficiencies that exist will be responded to in some omnibus bill at the end.

We will have to wait and see if that happens, but I expect perhaps this conference report was held for some period of time and certainly would be held at the White House. There is some discussion of a potential veto unless the holes are filled, especially with respect to enforcement capabilities at the Internal Revenue Service.

I say that only because there are more and more sophisticated schemes being used by some of the largest corporate taxpayers about which the Secretary of the Treasury has talked a great deal. They do need enforcement capability to penetrate some of those schemes that are used to avoid paying a fair share of taxes.

Pat Raymond, Tammy Perrin, and Lula Edwards on the majority side, and Chip Walgren, Steve Monteiro, and Nicole Koretsch spent a lot of time on this bill. As is the case with the legislative branch appropriations bill, this bill, the Treasury-general government appropriations bill, much credit must go to a lot of people who worked a lot of hours to make sure we funded these agencies properly.

I wanted to make those points and say I do not like this process. It has produced a bill that is pretty good in almost all respects except for a handful of things that need some remedy. The chairman of the full committee has told me, and I think he has told the White House and others, that he intends to respond to those deficiencies in some other venue as we go along in the appropriations process, and I appreciate that.

As we work to finish our remaining appropriations bills, it is my fervent hope that we can do this in the regular order. Bills passed by the full Appropriations Committee in the Senate should be brought to the Senate floor for debate and amendment, and then we send them to conference. When we have debate and amend a bill in the Senate, as we did with the Agriculture appropriations bill, which is critically important—it has my amendment that gets rid of sanctions on the shipments of agricultural products and stops using food and medicine as a weapon. The Senate voted for it by a wide margin.

It has the amendment Senator JEFFORDS and I, Senator GORTON and others offered on reimportation of prescription drugs which would force the repricing of prescription drugs in this country. We adopted that.

The House passed their bill the early part of July. We passed ours mid to late July. I am a conferee, and there has not been a conference. My expectation is there will never be a conference because they do not want to have a conference on something that controversial. Either one of those put to a separate vote in the Senate and the House will pass by 70 percent. I am worried this process will be used to hijack that bill.

I serve notice that I intend to inquire of the majority leader later this afternoon when he comes to the floor or tomorrow at some great length saying, we lost the issue last year and were hijacked to stop using food and medicine as a weapon. They adjourned the conference and never reconvened. It looks as if they are fixing to not convene a conference this year. That is not the way we should expect the Senate to do its business. I am sorry to get off on that for a moment.

Again, I appreciate the good work of Senator CAMPBELL and look forward to not only proceeding with what is in this bill, which I think is good work, but also remedying a half dozen or so areas that I think come up short of what we need to do, and I think the chairman of the full committee has said we need to do that.

Mr. CAMPBELL. Mr. President, I would like to respond to my friend and colleague from North Dakota.

His advice and counsel has been extremely important to me. I appreciate his comments very much. As I mentioned in my opening statement, I would have preferred to bring the bill to the floor as a self-standing bill, too. We are simply running out of time with only less than 3 weeks, I guess, of actual workdays before we adjourn for the year. It just was not possible this year.

But I look forward to working with him. If we do bring some emergency spending bill to the floor through the full committee, I would ask to work with him to try to fill in some of the holes we have missed in this bill.

With that, I thank the Chair and I yield the floor.

GRAND FORKS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. DORGAN. Mr. President, there are a number of important national provisions contained within the conference report. One provision, however, is both of national importance as well as of importance to the people of North Dakota. I am especially proud that the bill names the Federal Building and United States Courthouse in Grand Forks, ND after Judge Ronald N. Davies.

The late Judge Davies is one of North Dakota's proudest sons. While he grew up in Grand Forks, he is also claimed by Fargo. It was while serving as a judge in Fargo that President Eisenhower appointed him to the Federal bench in 1955. While not a household name, Judge Davies has gone down in history as the judge who ordered Arkansas Governor Orval Faubus to integrate the Little Rock public schools 43 years ago this month. It is only fitting that the Federal building in his hometown—constructed the year he was born—bear his name.

Some of my colleagues may have had the opportunity to visit the Norman Rockwell exhibit at the Corcoran Gallery of Art in downtown Washington. Among the many examples of Americana is the famous Rockwell painting of a little African-American girl, hair in pigtails, head held high, being escorted to school by U.S. Marshals. The painting puts a human face on an important turning point in our Nation's history. It was the result of the ruling by this modest and unassuming son of North Dakota that our Nation took one more step toward expanding the American dream to all Americans.

I thank my colleagues for their support of this provision. I ask unanimous consent that articles from the Grand Forks Herald and Fargo Forum regarding Judge Davies be printed in the RECORD.

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

[From the Grand Forks Herald, Aug. 6, 2000]

A FITTING TRIBUTE TO JUDGE

FEDERAL BUILDING WILL BE RENAMED FOR JUDGE RONALD N. DAVIES—THE MAN WHO MADE LANDMARK DECISION ON SCHOOL DESEGREGATION

(By Marilyn Hagerty)

Soon it will be the Ronald N. Davies Federal Building and Courthouse in Grand Forks. The neoclassical building at 102 N. Fourth St. will be renamed to honor the late federal judge from North Dakota who in 1957 made what is considered the landmark decision on racial integration in our nation.

Born in Crookston in 1904—the same year work began on the Federal Building—Davies grew up in Grand Forks.

The Appropriations Committee of the U.S. Senate last month approved renaming the building in memory of the late Judge Davies.

The legislation was proposed by Sen. Byron Dorgan D–N.D., who said: ''I can think of no better way to celebrate his contributions and preserve his legacy for future generations.'' A date for the renaming ceremony will be announced.

Davies was appointed to the federal bench by President Dwight Eisenhower in 1955. Two years later, he made history when on a temporary assignment to Arkansas he ruled that Little Rock public schools must allow black students to attend immediately.

GUARD CALLED

The U.S. Supreme Court had ruled three years earlier that segregation was unconstitutional. Before a desegregation plan could take effect in Little Rock, Arkansas Gov. Orval Faubus called out the National Guard to prevent it.

On Sept. 7, 1957, Davies ordered Faubus to stop interfering. The governor called Davies' ruling high-handed and arbitrary, but the National Guard was removed. On Sept. 23, nine black children entered the high school, and white mobs rampaged. The children were removed after sporadic battles between police and rioters, according to reports by The Associated Press.

Two days later, the ''Little Rock Nine'' entered the school under the protection of 1,200 soldiers sent by Eisenhower.

Judge Davies, by then was widely known for his work in Arkansas. He often was referred to as ''the stranger in Little Rock.'' This stemmed from an article in Newsweek in late September in which he was featured as ''This Week's Newsmaker.''

When a national television broadcast branded him as ''an obscure federal judge,'' he responded: ''We judges are obscure—and should be. That is want I want—to return quietly to the obscurity from which I sprang.''

Before going to Arkansas, Davies said, he never had heard a desegregation case. He insisted he was only trying to do his job.

''I have no delusions about myself,'' he was reported to have said. ''I'm just one of a couple of hundred federal judges all over the country. That all.''

Davies was named to senior U.S. U.S. District Judge status in 1971 in Fargo. He died there in 1996 at the age of 91.

HIGHLIGHTS

Significant honors awarded Judge Ronald N. Davies:

North Dakota's highest honor, the Theodore Roosevelt Roughrider Award, was presented to him in 1987. His portrait hangs in the Hall of Fame in the State Capitol.

Named outstanding alumnus of Georgetown University Law Center, Washington, D.C., in 1958.

Given an honorary doctor of law award by the UND School of Law in 1961.

Received Martin Luther King Holiday Award in 1986 by North Dakota Peace Coalition.

In 1961, the Davies family attended graduation ceremonies at UND for three rewarding reasons: Son Timothy received a degree from the law school; son Thomas earned a degree in business administration, and Judge Davies delivered the commencement address.

In 1966, Judge Davies rendered a decision he considered one of his most important cases—Stromsodt vs. Parke-Davis and Co. The case was tried in Grand Forks and involved a damage suit against Parke-Davis, one of the nation's largest drug manufacturers, for an unsafe vaccine administered to Shane Stromsodt at the age of five months in 1959. The child, who suffered irreparable brain damage, was represented by prominent torts attorney Melvin Belli. On Sept. 29, 1966, Davies awarded $500,000 to the 7-year-old Stromsodt.

DAVIES, THE MAN—WHO WAS JUDGE RONALD N. DAVIES?

He was competitive, ambitious, courageous. He was a lawyer's lawyer and a lawyer's judge. He had a sense of humor that would knock your socks off.

That's what children of the late Judge Ronald N. Davies say about him.

A daughter, Katherine Olmscheid, of Lafayette, Calif., was a senior in high school at the time her father was making headlines in Little Rock, Ark.

She says: ''I knew what was going on, but I was so used to Dad being a take-charge kind of man that I just expected he was being very thoughtful about every decision he made. He did tell me that he well knew that his upholding the law in this case would not bode well for him in appointments to a higher court.

''He was competitive and ambitious, but when it came to the law and the courage to uphold it, there was never any question. He was a father who took time to talk to me and explain what was happening, but he never focused on the drama of it.''

Thomas Davies, a son who is a municipal judge in Fargo, says his dad had a favorite saying: ''Better to be silent and thought a fool than to open your mouth and erase all doubt.''

Judge Ronald N. Davis was short—only 5 feet, 1 inch. But his son says nobody mentioned his height. If they did, the judge would launch into a good-natured dissertation about people who were too tall for their own good.

Thomas Davies says his father knew who he was and what he had to do. ''He respected lawyers, and they respected him. He never lost contact with the average person. He knew and liked the janitors, elevator operators, secretaries, waitresses, labor people and their bosses. He could, in my estimation, have been elected to any office in state, local or federal levels; but he had the job he wanted, and he loved it.''

Jody Eidler, a daughter who lives in Wheaton, Ill., remembers her father's sense of humor. ''It was the best of anyone we knew. Ask any lawyer who appeared in his courtroom. I used to meet him in Chicago when he came to hear cases. I'd sit back and marvel at how smooth he was with the big-city attorneys. He handled them with kid gloves.''

Davies' sons and daughters talk of the ''round table'' the judge held at the Elks Club in Fargo. He would have lunch with different lawyers, and he always would make room for one of his children if they happened to drop by.

Olmscheid says: ''Dad was a stickler for his name being Ronald N. Davies. That N. initial thing was important to him, so I sure hope the powers that be take that into consideration when renaming the building.''

As an aside, she said: ''Dad was as proud of being a Sigma Nu as he was about just about anything else. He always sang the UND and Sigma Nu songs to us as we drove around Grand Forks on warm summer nights. He loved the University of North Dakota. He got his law degree from Georgetown, but he was a UND man all the way.''

Along with Jody, Katharine and Thomas, the children of Judge Davies include Jean Marie Schmith and Timothy Davies, a trial lawyer with the firm of Nilles, Hansen and Davies in Fargo.

Judge Ronald N. Davies was born in Crookston on Dec. 11, 1904, two years before the completion of the U.S. Post Office and Court-house—now the U.S. Federal Building that will be named after him.

He was the son of a former Crookston Times editor and Grand Forks Herald city editor, Norwood Davies, and Minnie Quigley Davies.

His interest in the legal world grew as he tagged after his grandfather, who was chief of police in East Grand Forks. The family moved to Grand Forks in 1971, and Davies received a diploma from Central High School in 1922.

He went on to UND and worked at a soda fountain and in a clothing store to help with expenses. He graduated in 1927. He earned his law degree from Georgetown University Law Center in Washington, D.C., in 1930. As a student, he worked for the Capitol police force.

Davies began his long legal and judicial career in 1932, when he was elected as judge of the Municipal Court in Grand Forks. He served in that capacity until 1940, when he went into private practice. He was called into military service after the bombing of Pearl Harbor in 1941. He entered the U.S. Army as a first lieutenant and was discharged in 1946 as a lieutenant colonel.

Davies was married in Grand Forks on Oct. 10, 1933, to Mildred Doran, who was born in Arvilla, N.D., and grew up in Grand Forks. She was a graduate of St. John's Hospital School of Nursing in Fargo. She died in 1994.

The family includes five children, 20 grandchildren and 37 great grandchildren.

[From the Fargo Forum, Aug. 11, 2000]

IDEA TO HONOR JUDGE DAVIES IS APPROPRIATE

(By Terry DeVine)

North Dakota Sen. Byron Dorgan's introduction of legislation that would rename the federal courthouse in Grand Forks in honor of the late federal judge Ronald Davies of Fargo, who handed down the landmark ruling in the 1957 Little Rock, Ark., school desegregation case, is certainly appropriate.

Davies may have been a diminutive man, standing only 5-foot, 1-inch tall, but he was a Paul Bunyan of the law when he sat on the bench. His courtroom was a model of decorum, but never humorless. He had a way of keeping serious matters from becoming too overwhelming.

''If things were too tense, he'd crack a joke in court to lighten up the atmosphere,'' says his son, Fargo Municipal Judge Tom Davies. ''The dad at home was not the judge you saw in court. He was serious in court but had a real good sense of humor.''

The Senate Appropriations Committee recently approved Dorgan's legislation to change the name of the building to the judge Ronald N. Davies Federal Building and Courthouse. The provision is included in a larger bill that will be voted on by the full Senate when it returns from its recess in September.

The elder Davies was a graduate of the University of North Dakota and Georgetown Law School in Washington, D.C. While in law school, he worked as a Capitol policeman.

''I'd have loved to see that,'' says his son. ''I'm sure my dad thought that was a hoot. He did think the rest of the world was too tall. His nightstick must have been almost as long as he was tall.''

Former North Dakota senator and power broker Bill Langer nominated Davies for the federal bench in 1954, and he was appointed by President Dwight D. Eisenhower in 1955.

At the time, Langer reportedly said Ron Davies would be appointed to the federal

bench or there would be no federal judges in North Dakota. The Senate obliged Langer.

Tom Davies says his father was fully aware of the awesome power a federal judge possesses, but it only made him more careful in the way he wielded it. He never let it go to his head, Davies says.

Davies had practiced law for several years in Grand Forks, N.D., before moving to Fargo following his appointment to the federal bench. He was sent to Arkansas to help clear what he thought was a backlog of routine cases.

Another federal judge ordered the integration of Little Rock schools, and Judge Davies ordered the integration process be accelerated at Central High School. Arkansas Gov. Orville Faubus called out the Arkansas National Guard to stop the admission of black students. President Eisenhower federalized the National Guard troops and nine black students were admitted to the previously all-white school.

It was a scary time, and there were death threats aplenty, but Davies stood his ground. He was the right man at the right time for the nation.

Davies paid his dues long before his federal appointment by ''belonging to just about every organization that ever existed, with the exception of the Communist Party.''

''He was as active as any human being could ever be,'' says Tom Davies. ''He was a sparkplug. He never stopped recognizing people. He said hello to everyone. He was never arrogant.''

Davies says his father was always available to the media, but never once took advantage of many opportunities to speak or write about the Little Rock ruling for large sums of money in his later years.

''I shouldn't be paid to talk about doing my job,'' he said.

His son said his father, who died in 1996 at the age of 91, spoke about Little Rock only once on television when he did a 45-minute show with Fargo-Moorhead radio/television host Boyd Christenson.

Men like Judge Davies should be remembered. Naming a federal courthouse in his honor is a fine idea.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. WELLSTONE. Mr. President, before the Senator starts, I ask the Chair: I am in order to follow the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from Minnesota is in order in the request.

Mr. WELLSTONE. I thank the Chair.

Mr. HARKIN. Mr. President, parliamentary inquiry. How much time do I have?

The PRESIDING OFFICER. The Senator from California has 25 minutes under her control but has not yielded a specific amount of time.

Mrs. FEINSTEIN. I believe Senator WELLSTONE is speaking under his own time. I will yield such time as he may consume to Senator HARKIN.

Mr. HARKIN. I thank the Senator from California for her graciousness in yielding me this time.

(The remarks of Mr. HARKIN are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for 30 minutes.

Mr. WELLSTONE. Mr. President, I want to say at the very beginning to my colleague from Utah, for whom I have a lot of respect, that none of what I am about to say is aimed directly at him personally; quite the opposite. But I want to come out here and take very serious exception with the process and the result.

We finalized the legislative appropriations bill. Rather than having the Treasury and Postal appropriations bill coming directly from the floor of the Senate and having the opportunity to offer amendments, that bill was put into the legislative appropriations conference report. The two bills were basically linked to one another. This is a terrible way to legislate.

I say to the majority leader and others that we have been at this before and that I am out here on the floor of the Senate again today saying I take very serious exception to this. I cannot represent the interests of the people in the State of Minnesota very well when there is no opportunity to come to this floor and have amendments and try to make a difference.

I didn't come to the floor of the Senate to be a potted plant or a piece of furniture. In this particular case, I take exception with a couple of different things.

First of all, we have raised our salary to $141,300, and there is no opportunity for an amendment to be offered on the floor of the Senate to block this increase, no opportunity at all, no opportunity for any debate on this with an amendment. I can understand how the majority leader or someone on the majority party did not want to have an up-or-down vote. But I will tell you that I find it is very difficult to square raising our salary to $141,300 at the same time we are not willing to raise the minimum wage from $5.15 to $6.15 over a 2-year period. It is just unbelievable to me.

I want to be clear about it again. The Congress, by taking the Treasury-Postal appropriations bill and putting the salary increase into it, then putting it into a legislative appropriations conference report, is basically raising our pay without even taking a vote on it.

I want to tell you that is what gets us in trouble with the people we represent. This is exactly what gets us in trouble with the people we represent, and for very good reason.

Maybe the majority leader didn't want to have an up-or-down vote. Maybe the majority party didn't want to have an up-or-down vote. But I wanted an opportunity to come here to the floor of the Senate and say no way am I going to support raising our salary to $141,000 a year when this Senate and this conference has not been willing to raise the minimum wage from $5.15 an hour to $6.15 an hour.

To be very honest with Senators, I might raise another question, which is: Have we earned the salary increase? Have we passed a Patients' Bill of Rights? No. Have we passed prescription drugs extended onto Medicare? No. Have we reauthorized the Elementary and Secondary Education Act? No. Have we reauthorized the Small Business Administration? No.

In all due respect, we have done hardly any of the work of the people. We have not done much at all when it comes to the basic issues that affect the lives of the people we represent. Yet we are raising our salary to $141,000 a year. We are putting it into an unrelated conference report so that there will not be a vote on it. I think that is not a very direct way of conducting business.

I want to remind my colleagues of the words of Senator KENNEDY 4 years ago, when the Senate voted to gut rule XXVIII. That is the Senate rule limiting the scope of conference, and we are violating this conference report. I quote from Senator KENNEDY. This was 4 years ago, and it is so true to be prophetic.

The rule that a conference committee cannot include extraneous matter is central to the way the Senate conducts its business. When we send a bill to a conference we do so knowing that the conference committee work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended. So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference—that is, if the point of order against such conduct becomes a dead letter—conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unrenewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate.

Mr. President, it is a highly dangerous situation. It will make all of us less willing to send bills to conference and will leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference. I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws, but tomorrow the issue might be civil rights, States rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

That is exactly what we have done. What we have here today is a mini-omnibus measure, and I think it is exactly the road that Senator KENNEDY was warning we should not go down.

I say to colleagues that I think every Senator ought to object to what we are doing—every Senator, Democrat and Republican alike.

We had an opportunity in the later months of this summer when we came back to bring this appropriations bill to the floor. We could have dealt with the Treasury-Postal appropriations

bill. If we had, I would have brought an amendment to knock out our salary increase. I would have added an amendment that said we do not raise our salary increase to $141,000 a year until we raise the minimum wage. I would like to have had an up-or-down vote. All of us would have been held accountable, but that is not the way it was done. The majority party apparently doesn't want to have any votes any longer on any amendments whereby we will be held accountable.

Instead, anytime a Member desires—and I hope other Democrats will speak on this—it is true, they can take unrelated issues in matters, put it into a conference report, vote to raise our salary to $141,000 a year when we are not willing to raise the minimum wage from $5.15 to $6.15 over 2 years. They are in the majority. They can put it into an unrelated conference report, bulldoze it over us, and pass this legislation.

As a Senator from Minnesota, I am not going to let it happen without speaking about it. There will come a time when they may not be in the majority and there will come a time when they may find provisions that are put into conference reports unrelated to the scope of that conference report antithetical to the values they believe in, against what they think is right, against a Member's ability to represent their State, and they won't like it one bit. But that is exactly what has happened today. It is not because of the Presiding Officer right now, the Senator from Utah. But I believe this is truly an egregious process.

Again, one more time—just to be clear to those who are following this debate—I want to be on record. As a Senator from the State of Minnesota, people did not elect me to vote for a salary increase to $141,000 a year, people did not elect me to be here not in a position to bring out any amendments on the floor of the Senate to represent their interests, and people certainly did not elect me to let others put a salary increase—we now go up to $141,000 a year—in a conference report so we don't have an up-or-down vote on it without someone speaking out against it.

I speak out against it. I am not showboating. I speak out against it not because I don't think Senators should make a decent salary. First of all, what bothers me the most is I don't think we have done much. I think this has been a do-nothing Senate. I don't think we have done much on most of the crucial issues that affect people's lives. I am not sure what we have done to earn this increase.

Second, and I think even more importantly, I don't know how in the world we can justify raising our salary to $141,000 a year when we are not even willing to raise the minimum wage. There are 10 million people in this country who would directly benefit, and many others who would indirectly benefit, from the raise of the minimum wage. There are 119,826 Minnesotans who would benefit from a $1 increase in the minimum wage over 2 years, and if we don't do that, the minimum wage increase that we did pass has essentially lost all of its value. It is not even keeping up with inflation.

So colleagues understand, we hear a lot about the booming economy. It is true, but not all the new jobs that are being created are living wage jobs. In 1998, 29 percent of all the workers were in jobs paying poverty-level wages. In some of the jobs where we have seen the greatest growth—waiter staff, cashiers, janitors, and retail sales people—people earn less than half of what is called a living wage.

A study released by the U.S. Conference of Mayors in 1998 showed that nearly 4 out of 10 Americans visiting soup kitchens for emergency food were working; they were working poor people.

I don't think I want to go into the statistics. We have so many people in this country who could benefit. We have people who work 52 weeks a year, 40 hours a week, and they are still not out of poverty. The raise in the minimum wage would make a real difference, from $5.15 to $6.15 over a 2-year period.

What are we doing instead? Instead, we are raising our salary to $141,000 a year. We are raising our salary through the worst process, whereby rather than risking someone bringing an amendment out and having an up-or-down vote, someone has put the Treasury-Postal appropriations bill into the legislative appropriations conference report. Quite clearly, it was done in a very deliberate way so we wouldn't have to have an up-or-down vote.

In conclusion, I object to this process. I believe one of the worst things we ever did was make it possible for the majority party—and I promise the Chair that when we are in the majority I will take the same position—to basically waive the rule and insist measures that are put in conference committee be related to the subject material, that we no longer have to deal with the scope of the conference, the worst thing we could have ever done in violation of this constitutional process, and certainly in violation of the very notion of accountability.

We have been down this road before. I have come to the Chamber many times and objected to this. This time I believe even more strongly in it. I say to my colleagues, if you want to raise the salary, go ahead, but don't do it in this way. And don't put one appropriations bill that we should have been able to vote on into an unrelated appropriations bill conference report, and then bring it to the floor where there is no opportunity for amendments. I can't have an amendment that says we shouldn't raise our salary to $141,000, but I will vote against this. And I am sorry because the Presiding Officer and other Senators have done good work and in both these appropriations bills there is funding for a lot of important work.

I am going to vote no for two reasons. A, I am on record objecting to the way we are conducting our business. I am on record in opposition to the way the majority party is bulldozing over the right of the minority to come to the floor of the Senate with amendments. Second, I am voting against this appropriations bill because I think it is an outrageous proposition that the Senate should vote to raise our salaries to $141,000 a year and we are not willing to vote, to even have a debate much less a vote, on raising the minimum wage from $5.15 an hour to $6.15 an hour over a 2-year period so people who work hard all year-round and are still poor, who don't earn a decent living and cannot take care of their children, are not even given the opportunity to be able to do better for themselves and their children.

I think it is egregious. It is absolutely egregious what has happened. I am in opposition to it. I hope other Senators will speak out in opposition to the process and in opposition to the Congress being so generous with our own salary and oh so stingy when it comes to looking out for the interests of many hard-working, working poor people in this country.

Mr. President, I ask unanimous consent that 14 minutes of Senator DORGAN's time be yielded to Senator GRAHAM from Florida and that 6 minutes of my time be yielded to Senator GRAHAM of Florida.

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

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs in the Treasury Department and the General Government. However, I am sad to say, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in another appropriations Conference Report.

The amount of pork in this bill is a tremendous burden which is patently unfair to the millions of hard-working American taxpayers, who do not possess the resources to get a ''pet project'' placed in their backyard.

The list of projects which received priority billing is quite long and the dollar amounts are staggering. Nevertheless, I will highlight a few of the egregious violations.

The conference report contains numerous provisions for millions of dollars to construct new courthouses in specific locations such as Los Angeles, CA, Richmond, VA, and Seattle, WA. Again, why are these particular sites so deserving of funding, that they receive specific earmarks to fund their construction? Unfortunately, this spending frenzy is not limited to courthouses. Somebody in either the other body or the Senate has concluded that the SSA National Computer Center in Woodlawn, MD deserves $4.3 million, and the Richard Bolling Federal Building in Kansas City, MO deserves $26 million are so unique that they should receive specific earmarks.

Furthermore, this conference report irresponsibly expands the definition of what constitutes emergency spending to get around the spending caps. For example, this report designates $9 million in funding for repairs to the underground garage in the Cannon House Office Building as emergency spending. I do not think this is what the American taxpayer would envision as a true emergency.

This report also spends nearly $7 million more for salaries and expenses for the Treasury Department than was requested by either the House or the Senate.

The list of spending excesses goes on. This bill provides a staggering $14.8 million for communications infrastructure, including radios and related equipment, associated with law enforcement responsibilities for the Salt Lake Winter Olympics. This item is but one example of the fiscal abuse surrounding the staging of the Olympic Games in Salt Lake.

This past year, Congressman DINGELL and I requested the General Accounting Office to conduct an audit into Federal financial support for U.S. cities hosting the Olympics. Specifically, we asked the GAO to answer two questions: (1) the amount of federal funding and support provided to the 1984 and 1996 Summer Olympics, and planned for the 2002 Winter Olympics, and the types of projects and activities that were funded and supported, and; (2) the Federal policies, legislative authorizations, and agency controls in place for providing the Federal funds and support to the Olympic Games. What the GAO discovered is that, ''at least 24 Federal agencies reported providing or planning to provide a combined total of almost $2 billion, in 1999 dollars, for Olympic-related projects and activities for the 1984 and 1996 Summer Olympic Games and the 2002 Winter Olympic Games.''

I say to my friends, the number is staggering, but what is more shocking, but not too surprising once an egregious practice begins and goes unchecked, is the way in which Federal funds flowing to Olympic host cities has accelerated. The GAO found that the American taxpayers provided about $75 million in funding for the 1984 Los Angeles games, by 1996 the bill to the taxpayers had escalated to $609 million, and for the upcoming 2002 Winter Olympics in Salt Lake City, that bill to American taxpayers is estimated to be $1.3 billion.

That is outrageous, Mr. President, and it is a disgrace. It is a disgraceful practice to put these pork-barrel projects on this appropriations bill. I say to the Senator from Utah who is on the floor now, if another pork-barrel project that is not authorized for the Olympic games is put on any appropriations bill, I will filibuster the bill until I fail to do so.

I wrote a letter to the Senator from Utah on September 19, 1997. In it I said:

> I am writing about the recent efforts to add funds—

This is 1997—

> to appropriations measures for the 2002 Winter Olympics in Salt Lake City.

I went on to say:

> I recognize that proper preparation for the Olympics is vital. . . . It seems to me, though, the best course of action would be to require the U.S. Olympic Committee, in coordination with the Administration and Congress, to prepare and submit a comprehensive plan detailing, in particular, the funding anticipated to be required from the taxpayers. . . .
>
> Please call me so that we can start work immediately to establish some predictability and rationality in the process of preparing for Olympic events in our country.

That was 1997. In a rather surprising breach of senatorial courtesy, the Senator from Utah never responded to that letter, so I wrote him another letter a year later asking for the same and never got a response.

The GAO now determines that $1.3 billion—and some of those I will read: $974,000 for the Utah State Olympic Public Safety Command; $5 million for the Utah Communications Agency Network; $3 million to Olympic Regional Development Authority, upgrades at Mt. Van Hoevenberg Sports Complex; $2.5 million, Salt Lake City Olympics bus facilities; $2.5 million, Salt Lake City Olympics regional park-and-ride lots; $500,000, Salt Lake City Olympics transit bus loan, and on and on; $925,000 to allow the Utah State Olympic Public Safety Command to continue to develop and support a public safety program for the 2002 Winter Olympics; $1 million for the 2002 Winter Olympics security training; $2.2 million for the Charleston Water Conservancy District, UT, to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games.

What the Olympic games supposedly hosted and funded by Salt Lake City, which began in corruption and bribery, has now turned into is an incredible pork-barrel project for Salt Lake City and its environs.

Not surprisingly, the GAO found that there was no effective mechanism in place for tracking Federal funding and support to host cities, one thing I tried to do in the letter to the Senator from Utah in 1997. The GAO stated that ''in some cases it was difficult to determine the amount of federal funding and support because federal agencies generally did not track or report their funding and support for the Olympic Games.'' Congress, in some cases, authorized $690 million of the estimated $2 billion, with some $1.3 billion being approved by Federal agencies. However egregious it might be for Congress to approve $690 million in taxpayers funds—most of which was done through objectionable legislative pork barreling—it is astounding that federal bureaucrats, with absolutely no accountability, have ponied up $1.3 billion as a regular course of business.

The Ted Stevens Olympic and Amateur Sports Act, named after my good friend and colleague from Alaska, sets out the process by which the United States Olympic Committee operates, and how the USOC goes about selecting a U.S. bid city. Embodied in this act is a uniquely American tenet establishing that the United States Olympic movement, including the bid, and host city process, is an entirely independent, private sector entity. However, as this report points out, the American taxpayer has now become, by far, the largest single underwriter of the costs of hosting the Olympics. Mind you, this is not about private, voluntary giving to the Olympic movement. Nor is it about corporate sponsorships. This is about a cocktail of fiscal irresponsibility, made of congressional pork barreling, and unaccountable Federal bureaucrats.

As I outlined earlier, taxpayer funding of the Olympics has increased dramatically in recent years, as has the purpose of the funding. In the 1984 Summer Olympics in Los Angeles, $75 million in Federal support—$75 million versus $1.3 billion for the Salt Lake City Olympics—was provided. Most notable about this figure, aside from how low it is relative to Atlanta and Salt Lake, is what the money was used for. Of the $75 million in Los Angeles, $68 million, or 91 percent, was used to help provide safety and security services during the planned staging of the games. Only $7 million was for non-security-related services. Providing safety and security support is a proper role for the Federal Government. No one would dispute that the Federal Government should provide whatever support necessary to ensure that the Games are safe for everyone. However, the American taxpayer should not be burdened with building up the basic infrastructure necessary to a city to be able to pull off hosting the Olympic Games.

Clearly, by the time we got to Atlanta, such was not the case.

Other classic examples include $331,000 to purchase flowers, shrubs and

grass for venues and parks around Atlanta, $3.5 million to do things like installing of solar electrical systems at the Olympic swimming pool.

As astounding as the Atlanta numbers are, they absolutely pale in comparison to Salt Lake City. Almost $1.3 billion of Federal funding and support is planned or has already been provided to the city of Salt Lake. And $645 million—51 percent—is for construction of roads and highways; $353 million—28 percent—is for mass transit projects; approximately $107 million for miscellaneous other activities, such as building temporary parking lots and bus rentals; and $161 million on safety and security.

As of April 2000, the Federal Government planned to spend some $77 million to provide spectator transportation and venue enhancements for the Salt Lake games. This includes $47 million in congressionally approved taxpayer funding for transportation systems. Among other things, Salt Lake officials plan to ask the Federal Government for $91 million to pay for things such as transporting borrowed buses to and from Salt Lake, additional bus drivers, bus maintenance, and construction and operation of park-and-ride lots.

However, as outlined, most of the money taken from taxpayers to pay the bill for the Salt Lake games is going to develop, build, and complete major highway and transit improvement projects, ''especially those critical to the success of the Olympic games.'' This last phrase is vital to understanding the fleece game being played by cities such as Salt Lake City.

It works this way. A city decides they want to host an Olympics to generate tourism and put their hometown on the map. In order to successfully manage an Olympics, community leaders know they will have to meet certain infrastructure demands. They develop their plans, and then, of course, the pork barreling starts.

The GAO makes several recommendations for congressional consideration, including a potential Federal role in the selection of a bid city, a tracking system for funds appropriated, and more direct oversight. Among other things, the GAO also recommends a larger role for OMB in exercising oversight regarding agency activities.

However, I believe there are two fundamental reforms that should take place. The first is budget reform. Appropriations for Olympic activities should occur through the regular budget process, subject to the sunshine of public scrutiny and debate within Congress. Second, the USOC should not consider the bids of cities that do not have in place the basic capacity to host the Olympic games.

What has happened here is what happens in Congress. We start out with a little pork barreling; it gets bigger and bigger and bigger. We saw that recently on the Defense appropriations bill—$4 million on the Defense appropriations bill to protect the desert tortoise.

I want to repeat, I will filibuster and do everything in my power to delay any more appropriations bills that have this pork-barrel spending for Salt Lake City. There is a process. There is a process of authorization for these projects. They are conducted by the authorizing committees. Some of them may be worthwhile and necessary. Some of them may deserve to be authorized. Instead, they are stuck into an appropriations bill without scrutiny or without anyone looking at them.

I do not understand how we Republicans call ourselves conservatives and then treat the taxpayers' dollars in this fashion. This is terribly objectionable. It is up to $1.3 billion. We still have another year, at least, to go. This has to stop.

I am glad we got the GAO study. It is a classic example of what happens with pork-barrel spending in this body. It directly contributes to the cynicism and alienation of the American voter. These are my taxpayers' dollars, Mr. President, as well as the citizens' tax dollars of Utah. I have an obligation to my constituents in the State of Arizona who pay their taxes that their tax dollars should not be spent on this pork-barrel spending.

Therefore, Mr. President, I ask unanimous consent that a list of objectionable provisions for the legislative branch conference report be printed in the RECORD.

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

OBJECTIONAL PROVISIONS FOR THE LEGISLATIVE BRANCH CONFERENCE REPORT 106–796 (INCLUDES TREASURY/POSTAL)

ITEMS IDENTIFIED in Report 106–796

EARMARKS

Title I—Department of the Treasury

$47,287,000 for development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury.

$31,000,000 for the repair, alteration, and improvement of the Treasury Building and Annex.

$29,205,000, for expansion of the Federal Law Enforcement Training Center.

Title II—Other Agencies

Library of Congress

$4,300,000 for a high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving western North Carolina.

Russian Leadership Program—$10,000,000.

Hands Across America—$5,957,800.

Arrearage reduction—$500,000.

Mass deacidification—$1,216,000.

National Film Preservation Board—$250,000.

Digitization pilot with West Point—$404,000.

Botanic Garden

Wayfinding signage—$25,000.

Architect of the Capitol

Replace HVAC variable speed drive motor—$90,000.

Room and partition modifications—$165,000.

Replace partition supports—$200,000.

Lightning protection, Madison building—$190,000.

Title IV—Emergency Fiscal Year 2000 Supplemental Appropriations

Architect of the Capitol

$9,000,000 for urgent repairs to the underground garage in the Cannon House Office Building.

Title I—Congressional Operations

Replacement of Minton title—$100,000.

Title IV—Independent Agencies

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000.

California: Santa Ana, Federal Building, $27,864,000.

District of Columbia: Internal Revenue Service Headquarters (Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000.

Maryland: Woodlawn, SSA National Computer Center, $4,285,000.

Michigan: Detroit, McNamara Federal Building, $26,999,000.

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000; Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000.

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000.

New York: New York City, 40 Foley Square, $5,037,000.

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000.

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000.

Utah: Salt Lake City, Bennett Federal Building, $21,199,000.

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide: Design Program, $21,915,000; Energy Program, $5,000,000; Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

DIRECTIVE LANGUAGE

Title III—General Provisions

Standard buy-American provisions throughout the conference report.

Title II—Other Agencies

Language directing the General Accounting Office to undertake a study of the effects on air pollution caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky

Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahla, and Cherokee National Forests. This study will also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region. The GAO shall report to the Committees on Appropriations no later than January 31, 2001.

Title III

Language directing that there be no reorganization of the field operations of the United States Customs Service Office of Field Operations which may result in a reduction in service to the area served by the Port of Racine, Wisconsin.

Up to $2,500,000 for the purchase of land and the construction of a road in Luna County, New Mexico.

$95,150,000 for the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $88,000,000 is to complete renovation of the National Archives Building.

TITLE—DEPARTMENT OF THE TREASURY

$14,779,000 for communications infrastructure for the Salt Lake City Winter Olympics;

$2,000,000 for Critical Infrastructure Protection; and

$3,500,000 for Public Key Infrastructure.

Additionally, the conferees include $500,000 for Customs' ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

The conferees therefore direct the Treasury Department and Customs to complete this model and to report to the Committees on Appropriations not later than November 1, 2000 on its implementation. In relation to this, the conferees urge the Customs Service to give full consideration to the needs of the following areas for increases or improvements in Customs services: Fargo, North Dakota; Highgate Springs, Vermont; Charleston, South Carolina; Charleston, West Virginia; Honolulu, Hawaii; Great Falls, Sweetgrass-Coutts, and Missoula, Montana; Tri-Cities Regional Airport, Tennessee; Dulles International Airport; Louisville International Airport; Miami International Airport; Pittsburg, New Hampshire; San Antonio, Texas; and multiple port areas in Arizona, New Mexico, and Florida

Title III—Executive Office of the President and Funds Appropriated to the President

As ONDCP reviews candidates for new HIDTA funding, the conferees direct it to consider the following: Las Vegas, NV; Arkansas; Minnesota; North Carolina; and Northern Florida, which have requested designation; Mexico, South Texas, West Texas, and Arizona, New England, Gulf Coast, Oregon, Northwest (including southwest and eastern Washington), and Chicago HIDTAs; and full minimum funding for new HIDTAs in Central Valley, California, Hawaii, and Ohio.

$3,300,000 for anti-doping efforts of the United States Olympic Committee.

Title IV—Independent Agencies

$3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida.

$700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford Museum.

GRAND TOTAL: OVER $1.4 BILLION.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, am I correct that I have 20 minutes reserved at this time?

The PRESIDING OFFICER. The Senator is correct.

The distinguished Senator from Florida is recognized.

Mr. BENNETT. Will the Senator yield for an inquiry?

Mr. President, may I ask how much time I have left under my control?

The PRESIDING OFFICER. The distinguished Senator from Utah has 45 minutes.

Mr. BENNETT. I thank the Chair. I will use time when the Senator from Florida has finished.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of the Senator allowing me to speak on another matter during the debate on the legislative branch conference report.

(The remarks of Mr. GRAHAM are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I listened with interest when the Senator from Arizona spoke about the GAO report with respect to the Olympics. I believe the Senator from Arizona has made a significant contribution and is attempting to move the Congress in a direction in which we should go with respect to the Olympic games. I think he has raised appropriate concerns. I can be specific about some of them. I will not attempt to be specific about them all because they are quite lengthy.

For example, the $14.8 million for communications infrastructure to which he objects in the Department of the Treasury portion of the conference report before us was inserted there at the request of the Secret Service, which told the Appropriations Committee that was the amount they required. This was not something that was asked for by the Salt Lake organizing committee or the Senator from Utah specifically. It came from the Department of the Treasury.

That is true of some of the other items. But rather than getting bogged down in a debate over the appropriateness of this amount or that amount, every one of which has had that debate in one form or another in the process of getting to the conference report, I want to address the issue of the GAO report and the comments that the Senator from Arizona made about it.

He said, very accurately, that the Federal role with respect to the Olympic games has increased dramatically from the $75 million that was appropriated in 1984 for the Olympics in Los Angeles to the amount that has now been appropriated and is going to be appropriated for the Olympics in Salt Lake City, showing the step-up from Los Angeles to Atlanta to Salt Lake City.

Inasmuch as Washington, DC, has announced its intention to bid on the Olympic games in either 2008 or 2012, I think now is an appropriate time, as the Senator from Arizona has suggested, to talk about the role of the Federal Government with respect to the Olympic games.

The GAO report makes this comment with which I am sure the Senator from Arizona would agree and with which I agree. I think it is a very appropriate comment. It says:

> Despite the lack of a specifically authorized Government-wide role in the Olympic games, the Federal Government has, in effect, become a significant supporter of the Games when hosted in the United States. Accordingly, Congress may want to consider enacting legislation to establish a formal role for the Federal Government and a Government-wide policy regarding Federal funding and support for the Olympic Games when hosted in the United States.

I think that is a very sound recommendation on the part of GAO. It resonates with the concerns raised by the Senator from Arizona.

I lived in Los Angeles in 1984 and watched the Olympic games from the standpoint of a resident. Let me add a little history to the history that has been referred to on the floor this afternoon.

In 1984, as I recall—I could be wrong, but my memory tells me—Los Angeles was the only city bidding for the Olympic games. The games were seen as an economic disaster for any city unfortunate enough to end up as the host. There were examples all over the world of cities that had hosted the Olympic games and ended up with huge deficits which took them years and years to pay off. Nobody wanted the Olympic games. Los Angeles got the Olympic games almost by default. They hired an extraordinary individual named Peter Ueberroth to serve as the manager of that event, and Peter Ueberroth did something that was both very good and, in retrospect, maybe not so good for the Olympic movement. He brought in for the first time on a serious basis big money sponsors.

I remember reading in the Los Angeles Times after the Olympic games were over that there was a surplus in the Olympic account of $30 million that would be turned over to the city of Los Angeles. There were further newspaper stories that said: No, the surplus is $60 million. No, we have looked through the books, the surplus is $100 million. I don't remember now what it ended up being. But it was, for the time, a comparatively staggering amount of money. There were jokes made in Los Angeles about the fact that everything was available as the official filled in the blanks.

I remember going with my family to watch the women's marathon. It was the only event we attended in the Los Angeles 1984 Olympic games because it was the only one that was free. We couldn't afford to buy the tickets at that time. As the father of six children, I think other people can understand that particular problem. We stood there on the sidelines and watched the Olympic runners come down. We cheered for the Americans. We were excited. Then after it was over, in the spirit of the time, one of the officials of the games turned to us and said, Do you want an official Olympic sponge? They had handed sponges filled with water to the runners as they went by, and the runners cast them off.

Everything was an ''official Olympic'' this or that and had a price tag attached to it. I remember Kodak was very concerned because Peter Ueberroth put the official Olympic film up for bid and Kodak said: You can't possibly have an official Olympic film that isn't an American film. Ueberroth said: Make your bid. Fuji Film outbid Kodak. We had over the Olympics in Los Angeles a large green blimp with ''Fuji Film'' on it. Fuji Film was the official Olympic film for the 1984 Los Angeles Olympics.

As I say, the number came out to be ultimately something close to $100 million. It transformed the Olympic movement. From that moment forward, everybody wanted to be the host city for the Olympic games. And everybody assumed that if they could somehow get that plum for their city, they would receive a very substantial economic payoff. But once you start down that road psychologically, a number of interesting things happen. And an interesting thing happened to the Olympic movement.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield for a moment for a question?

Mr. BENNETT. Yes.

Mr. KENNEDY. I note that we are going to hear from former Vice President Quayle at 6 p.m., and Senator STEVENS wanted to address the Senate. Just as a point of information, I welcome the chance to be able to address the Senate tomorrow. If the Senator is going to continue for a while, if he could let us know, because I wanted to have the opportunity to hear from Mr. Quayle and also to accommodate Senator STEVENS. The Senator is addressing a very important matter that is relevant to the remarks of the Senator from Arizona. Could he give us any indication?

Mr. BENNETT. I thank the Senator from Massachusetts for his inquiry. Since I have no prepared remarks, I am responding directly to the remarks of the Senator from Arizona. I can't put an exact timeframe on it. I will try to restrain my enthusiasm for the sound of my own voice and finish in maybe 15 or 20 minutes—something in that timeframe. I will do my best to do it faster. I understand the Senator from Alaska no longer requires any time. So the Senator from Massachusetts could speak right up to the time we go into the session with the former Vice President.

Mr. KENNEDY. I thank the Senator.

Mr. BENNETT. Mr. President, if I may go back, the reaction out of Los Angeles caused the leaders of the Olympic movement to also get dollar signs in their eyes, and the Olympics began to expand. The assumption was, if the costs go up at the International Olympic Committee or the costs go up at the U.S. Olympic Committee, no problem; we will just sell a few more sponsorships and be able to pay for it without any difficulty.

So one started chasing the other, and the number of sponsorships sold kept going higher and the costs kept going higher.

One aspect of the cost going up has been the addition of new sports. Interestingly enough, the number of sports that will participate in the Salt Lake City Olympics in 2002 is significantly higher than the number that participated at Lillehammer in, I believe, 1994. In just that short period of time, the cost of putting on the Olympics has been expanded by a significant percentage—I do not have the number currently available—by adding additional sports. The organizers of the Salt Lake Olympic Committee have told me that even though their budget is very close to the budget at Lillehammer, their costs are substantially higher because of the additional sports that have been added.

Somewhere along the line, someone lost track of what happens to all of this. Again, the head of the Salt Lake organizing committee, Mit Romney, has told me that the budget he was handed from the U.S. Olympic Committee implied more sponsorships for the winter Olympics than Atlanta had for the summer Olympics in 1996. He has to go out and sell those sponsorships now because the budget has built into the assumption that money will be there. He is still approximately $40 million or $50 million shy of being able to cover his budget even though he has outsold the sponsorships that went into Atlanta. He has more sponsorship money coming from Atlanta for the winter games, which are less popular than the summer games, and he is still money short.

That is what has happened as everybody, reacting to what happened in Los Angeles in 1984, has assumed that the Olympics are a pot of gold. They are clearly not a pot of gold. And we are getting to the point where we may be back to the Los Angeles games when no city wanted to host it because they would end up with a major deficit.

I said to Mit Romney: Will we have a deficit in Salt Lake? He said: No, we will not have a deficit because, if absolutely necessary, we will cut back to whatever amount of money we have.

We don't want to have America host Olympics that seem to be second class by comparison to the rest of the world. But financially we have no choice if we can't close that gap.

I believe Mit Romney will be able to close that gap. I believe he will be able to bring it down so that we will have an exact meeting of expenses and revenues.

But in this whole picture comes the question that has been raised by the Senator from Arizona: What is the role of the Federal Government? Increasingly, the Federal Government plays an important role in the Olympics because, increasingly, as the Olympics get bigger and bigger, with more and more nations, more and more athletes, and more and more opportunities for international terrorism, they become a bigger and bigger problem for the Federal Government.

I think the whole question raised by the Senator from Arizona and by the GAO report as to the formalization of the Federal role is a very legitimate question. I think the proposal in the GAO report that was endorsed by the Senator from Arizona that there be a formal involvement from OMB and a formal process within the Congress to track these appropriations is a right and proper proposal. We probably should have done it after the Atlanta Olympics when we had the first indication that this was what was going to happen. We didn't.

I am perfectly willing to join with the Senator from Arizona to craft a way to do this once the Salt Lake City Olympics are over. If Washington, DC, or some other American city gets the Olympics at some point in the future, this process will be in place. I think it is the responsible thing to do. I applaud the Senator from Arizona in helping move in that direction.

I point out, as the GAO report says, with respect to the $2 billion figure used by the Senator from Arizona:

> According to Federal officials, most of these funds would have been awarded to these cities or States even if they had not hosted the Olympic games although the funds could have been provided later if the games were not held.

Let me talk specifically about the two largest items in that $2 billion figure that relate to Salt Lake City: the mass transit in downtown Salt Lake City and the renovation of I–15, the interstate highway that runs through Salt Lake City. Both projects were properly authorized, properly funded, under established congressional procedures with respect to transportation activities. I–15 was 10 years beyond its designed life when renovation construction began. The project was outlined for 9 years under standard construction procedures.

The State of Utah, working with the Federal Highway Administration, came up with a method of doing it which is called design/build; that is, you design it while you are building it. Instead of designing it all first and then building it, you do it simultaneously. In the process, they cut the time from 9 years to 4½. They also cut the cost by close to $1 billion.

Yes, it will be done in time for the Olympics. Yes, it will enhance the Olympics. And GAO has included its total in its calculation of the cost of the Olympics. But it had to be done. It was a logical expense of the highway trust fund. It was funded in the normal fashion through the highway trust fund, and because of the pressure the Olympics put on it in terms of time, we now have a pilot project with design/build that is coming in ahead of schedule and under budget. We are saving taxpayers money by virtue of the pressure that the Olympics put on this highway project.

There is absolutely no question that the money would have been spent even if the Olympics had not come to Salt Lake City. It may not have been spent as wisely or as prudently as it is being spent if we had not had the pressure of the Olympics.

The second issue is the mass transit system in Salt Lake City. The mass transit system in Salt Lake City, again, stood in queue with all of the other mass transit systems that were being reviewed by the Department of Transportation. It was approved in the Clinton administration as an appropriate transit program for a metropolitan area experiencing tremendous growth and congestion. It is interesting to me to note that the current construction of mass transit in Salt Lake City is going forward even though there was no assurance that it would be completed in time for the Olympic games. In other words, the Department of Transportation approved the full funding grant agreement for that spur of the mass transit system with the full knowledge that it might not be available for the Olympics.

Now, the contractors who were building it insisted it would be available for the Olympics. It certainly will help the Olympics. But it was not approved as an Olympic project. It was not examined as an Olympics project. It was not evaluated by the Department of Transportation as an Olympics project. Its cost, however, is included in the GAO study as an Olympics project because it occurred in the period where things were being spent in Utah.

I make a footnote with respect to I–15, the interstate highway. It is being funded largely by State funds. The Federal dollars only became available after TEA–21 passed in 1998 and the State decided we couldn't wait. Had we not had the Olympics and waited for full Federal participation in this portion of the interstate, the State of Utah would be paying less than it is now. So the State of Utah has put up a substantial sum of money by virtue of this for this infrastructure. We do not complain because we will have the benefit of that infrastructure after the games are over. However, I want to make it clear to any who are keeping score that if you take the $2 billion figure to which the Senator from Arizona referred that is part of the GAO report and break it down, you come up with a much smaller figure for the Federal participation in the Olympics games that has nothing to do with anything else; that is, you have a much smaller figure for Federal expenditures that are solely Olympics expenditures than anything like the $2 billion.

Now, back to the earlier point, that we must address the question of the Federal role. Let us look what the Olympics do to any country that gets them in today's world. My wife and I went to Nagano, Japan, to see the Olympics put on in Japan. We read the Japanese newspapers. We didn't come up with a firm figure, but the Japanese newspapers speculated that the total amount that Japan as a country spent in order to put on the Olympics—the lowest figure I read was $13 billion; the highest figure I read was $18 billion, given the kind of accounting sleight of hand that accompanied the Japanese Olympics. I think the higher figure may very well be the accurate one. Even if we take the lower figure, Japan decided they could not put on an Olympics worthy of world attention without making such infrastructure improvements as to spend ultimately $13 billion. I participated in the benefits of that. I rode the bullet train from downtown Tokyo to Nagano where the Olympics were held. They decided they couldn't put on the Olympics without putting in a bullet train.

We, in the United States, view the Olympics as basically a sporting event. The rest of the world views the Olympics very differently, and once a city in a country in the rest of the world is awarded the Olympics, the entire national government of that country becomes engaged. We need to think this one through as a nation. If we ever want to hold the Olympic games in the United States again and have the games be presented to the world on anything like the level that the world has come to expect for the Olympics, we are going to have to face the fact that the Federal Government must be involved in a formal kind of way.

The GAO comments about this just growing upon us are correct and a formal examination of the American Federal Government participation in the Olympics is overdue. The fact is, now no city in this country can bid for, accept, and put on the Olympic games without significant, maybe even in the view of the Senator from Arizona, massive Federal support. The Clinton administration has recognized that. I have been a long critic of the Clinton administration in a number of areas, but in this area I must say that the Clinton administration has stepped up to the plate and supported absolutely everything that has to be done to see that the Olympics are put on in an appropriate way.

I salute the people in the OMB with whom we have worked, the people in the White House staff with whom we have worked in a collaborative way to bring this all together to see that we will have a responsible Olympic games.

The Olympic games in Salt Lake City in 2002 are going to be fabulous. We have the best mountains, the best snow, the best facilities. It is going to be a fabulous experience for the entire world, and all Americans are going to be very proud of the job that the Salt Lake Olympic Organizing Committee will do in putting that on. But the Salt Lake organizing committee could not do it without the kind of support that has been provided by all of the Federal agencies who have been called upon in the various appropriations bills that have gone through.

As we look to the future and anticipate the possibility that at some point some other American city will either gain the summer games, as Atlanta did, or the winter games, as Salt Lake City did, we should put in place the recommendations of the GAO and recognize right up front that it is a national effort, it is a Federal responsibility, as well as a city responsibility, and perform as every other country in the world performs with respect to this particular opportunity.

If we decide as a Congress that we do not want Federal participation in the Olympic games, make that decision clear, then no American city will ever host the Olympic games again because no American city can ever afford the kinds of things that are required.

I thank the Senator from Arizona for raising this issue, for bringing us to an understanding of the importance of the recommendations that the GAO has made, and for giving me the opportunity to give these specifics about the $2 billion figure. The Federal Government, in fact, will spend far less than that figure, far less than $1 billion, far less than however many hundreds of millions of dollars. I do not know the number. I do not know anybody who does. I will try to find it out and bring it to the floor at some point. It will be less than any other federal government has spent to bring the Olympics to their host country, but it demonstrates to us that we have to have the kind of planning and coordination for which the Senator from Arizona calls.

I thank the Senator from Massachusetts for his indulgence. I ask how much time I have remaining.

The PRESIDING OFFICER. The distinguished Senator from Utah has 18 minutes remaining.

Mr. BENNETT. Mr. President, I have nothing further to say. I probably should not have said as much as I did. If there is no Senator seeking recognition, I suggest the absence of a quorum and request that it be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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. BENNETT. Mr. President, I have had brought to my attention since I finished my extemporaneous remarks some information about the funding of the Olympics that I would like to now share and put into the RECORD.

This is a draft statement that was prepared for Mit Romney. I do not want to put these words in his mouth until he has had an opportunity to review it. It has come from his staff. I believe it is accurate. I will share some of this information with you.

First, Federal spending for activities directly associated with the games is entirely appropriate when it is within traditional areas of public responsibility. Example: Two-thirds of the costs are for public safety activities, such as providing counterterrorism support. Other areas where the Government is involved include visas, customs, transportation to the public, and weather information infrastructure—all traditional governmental responsibilities.

The statement says the Olympic games are essentially a mission of peace entirely consistent with the objectives of our country and recognizing that the Government spends billions of dollars to maintain wartime capability, it is entirely appropriate to invest several hundred million to promote peace. That is an editorial comment.

With respect to the funding and the GAO report, there are two types of unrelated spending combined under the term ''Federal funding.'' First is spending actually required to host an Olympic games; and, second, spending on projects the Government would have funded whether or not the Olympics occur. I have already talked at great length about the second aspect—funding that would have been spent regardless of whether or not the Olympics have occurred.

Direct Olympics spending; that is, spending that occurs solely because of the Olympics, as accounted in GAO's report, is about $254 million, not the $1.3 billion that was in the headlines. I repeat that: About $254 million is the direct spending, and it goes for the items that are referred to up above—visas, customs, transportation, weather information and, of course, security and counterterrorism, as indicated by the $14.8 million to which the Senator from Arizona referred that was requested by the Secret Service.

I add one other comment to this. The Senator from Arizona talked about future appropriations. We are pretty much over the hump with this year's appropriations. We cannot spend money in fiscal 2002 for Olympic games that are going to be held in February of 2002. So the 2001 fiscal year budget, which we are involved in here, is the big-ticket item.

Once we are past this budget cycle, there will be some additional funds in the next year, but they will be much smaller than the funds that are included this year. I say to my colleagues, I know of no funds in the 2001 bills that are yet to come before us that have not, in fact, been authorized in the appropriate procedure to which the Senator from Arizona referred.

So, Mr. President, I speculated as to what the number was in my extemporaneous remarks. I have now had the number given to me. The actual number of Olympics-only Federal spending is in the neighborhood of $250, $254 million. I make that additional correction to the RECORD.

EXPANSION OF CHICAGO HIGH-DENSITY DRUG TRAFFICKING AREA

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to engage the Chairman of the Treasury and General Government Appropriations Subcommittee in a brief colloquy.

Mr. CAMPBELL. Yes.

Mr. FITZGERALD. My state has an emerging methamphetamine problem, which is an unmet need of the High Intensity Drug Trafficking Areas program. To tackle this problem successfully, Congress should provide funding in fiscal year 2001 to implement the expansion of the Chicago High Intensity Drug Trafficking Area to the Southern and Central Districts of Illinois.

Over the last three years, seizures of methamphetamine laboratories in Illinois have increased by 925 percent. In 1999 alone, 246 methamphetamine laboratories were seized in Illinois (more than all previous years combined), and methamphetamine-related crime in the state is at an all-time high, according to the Illinois State Police. If this trend continues, Illinois can expect to see an exponential growth of methamphetamine activities in the next two or three years, similar to what has occurred in Kansas, Missouri, Arkansas, and Iowa.

I recognize that the final version of the Treasury and General government Appropriations Act for fiscal year 2001 includes an additional $14,500,000 to expand existing HIDTAs or fund newly designated HIDTAs. I would like to ask the Chairman a question: is it your expectation that a portion of these funds will be used to implement the expansion of the Chicago HIDTA to the Southern and Central Districts of Illinois?

Mr. CAMPBELL. Yes, that is my expectation.

NATIONAL DRUG-FREE WORKPLACE ALLIANCE

Mr. KYL. Mr. President, I ask that I be allowed to enter into a colloquy with the distinguished Chairman of the Treasury and General Government Subcommittee, Senator CAMPBELL, regarding the importance of the National Drug-Free Workplace Alliance.

Mr. CAMPBELL. I understand the Senator's interest in this area.

Mr. KYL. I would like to take a few minutes to describe the importance of the National Drug-Free Workplace Alliance. The goal of the Alliance is to promote and assist the establishment of drug-free workplace programs and provide comprehensive drug-free workplace services to American businesses. As you know, drug abuse is prevalent in the American workplace. One in 12 employees uses illegal drugs. Equally troubling is that drug and alcohol abusers file about 5 times as many workers compensation claims as non-abusers, and 47 percent of all industrial accidents in the United States are related to drugs and/or alcohol. The Alliance will not only serve as a valuable resource to businesses, but also to the many organizations across the country devoted to drug free workplaces. Two such organizations in my state, Arizonans for a Drug-Free Workplace and Drugs Don't Work, would greatly benefit from working with the Alliance.

Mr. CAMPBELL. The Subcommittee is increasingly aware of the problems that drugs pose in the workplace. Helping businesses to address such a problem will greatly benefit our communities and children. I look forward to working with my colleague to address your concerns.

Mr. KYL. Once again I would like to thank the distinguished Chairman.

Mr. FEINGOLD. Mr. President, I rise to oppose this conference report on the legislative branch appropriations bill. The reasons for my opposition have much to do with the process by which this conference report has come to us. As I said in my statement this May during debate on the motion to proceed to the foreign operations appropriations bill, the character of the Senate has been changing. This conference report is yet another example of that change. And the change has not been for the better.

The Senate sent to conference a $2½ billion legislative branch appropriations bill. The House majority leadership took that conference on a relatively modest bill and shoveled into it a $55 billion tax cut and a $30 billion appropriations bill for the Treasury

Department, the Postal Service, the Executive Office of the President, and certain independent agencies. This is an abuse of the powers of the majority.

Mr. President, the Senate may be calloused to the accelerating number of abuses that we have witnessed in the past few years. And this growing indifference may have given some comfort to those who are spearheading this particular offensive.

But, Mr. President, there is a facet to this latest effort that makes it especially worthy of opposition. For adopting this conference report, now shielded from amendment, removes the opportunity to force an open debate of a $3,800 pay raise for every Member of the Senate and the House of Representatives.

By bringing the Treasury-Postal appropriations bill to the Senate floor for the first time in this conference report, without Senate floor consideration, the majority prevents anyone from offering an amendment on that bill to block the pay raise. The majority makes it impossible even to put Senators on record in an up-or-down vote directly for or against the pay raise. The majority has thus perfected the technique of the stealth pay raise.

And the majority also makes it impossible to link this congressional pay raise directly to other pay issues of importance to the American people. With this abuse of the rules, the majority makes it impossible to consider, among other things, an amendment that would delay the congressional pay raise until working Americans get a much-needed raise in the minimum wage.

The majority leadership thus appears to believe that cost-of-living adjustments make sense for Senators and Congressmen, but that cost-of-living adjustments do not make sense for working people making the minimum wage.

The abuse of the process that brings us here today prevents the Senate from rectifying this injustice. If the Senate were considering the regular Treasury-Postal appropriations bill, a Senator could offer an amendment that would point out inequities like this. And that, in the end, might help explain why the majority is using this procedure today. That might explain why we are not considering the regular Treasury-Postal appropriations bill, but are considering an unamenable conference report.

This unamendable conference report culminates the technique of the stealth pay raise. As my colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate and amendment.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 211 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the states.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the states.

The 27th amendment to the constitution now states: ''No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.'' Now, today's action does not violate the letter of the Constitution, because it is the result of a 1989 law that provides for a regular cost-of-living adjustment for congressional pay. But stealth pay raises like the one that the Senate allows today certainly violate the spirit of that amendment.

Mr. President, this practice must end. To address it, I intend to introduce legislation that ends the automatic cost-of-living adjustment for congressional pay.

The conference report before us today took its final shape just before the August recess, during what were reported to be all-night, closed-door meetings. The House majority leadership then tried to muscle this conference report through the House on the day before the recess. The bill survived a procedural vote by just four votes, 214 to 210. with Representatives anxious to begin their August recess, the House leadership decided to postpone further action until this month.

The conference report before us today includes the Treasury Postal bill. The Senate never had a chance to consider the Treasury Postal bill that is now part of this conference report. The Senate Appropriations Committee ordered the bill reported on July 20. It is available for Senate consideration as a separate bill.

This conference report on an appropriations bill also includes a repeal of the telephone excise tax. Now repealing the telephone tax is probably the best tax cut idea that we will get in this Congress. I voted to repeal the telephone tax during consideration of the estate tax bill.

But that was a tax bill. Today, we are being asked to enact that tax cut on an appropriations bill. A tax cut that will cost $55 billion over the next decade should not be added in the middle of the night in a conference on a $2½ billion appropriations bill.

As well, the conference report also makes budget process law changes. Section 1002 of the conference report changes the limits on outlays set in the current budget resolution for defense and non-defense spending. It shifts $2 billion from non-defense spending to defense spending. Making this budget process change violates the rules. Section 306 of the Congressional Budget Act prohibits including budget process changes like this in a bill that is not a budget process bill.

Some may argue that if we do not enact this conference report with this abuse of the process, then the leadership will confront us with an even greater abuse of process in the form of an even larger omnibus appropriations bill. Even were that so, my colleagues, we here cannot and must not give the leadership a blank check to include any matter that they choose. And we most certainly can demand that Congress do what we can to ensure that we get no pay raise until such time as Congress has enacted a raise in the minimum wage.

This is a matter of principle, because this conference report does not honor the principles of debate and amendment that undergird the rules of this Senate.

And this is a matter of fairness, because this conference report allows a $3,800 pay raise for Senators and Congressmen, before the Congress has enacted a $1,000 pay raise for working Americans making the minimum wage.

The majority has sought to prevent votes on this pay raise. By preventing votes on amendments, they have made this final vote on this conference report the single vote that will allow the congressional pay raise to happen. A Member who wants to prevent a congressional pay raise before we have a raise in the minimum wage has this one opportunity to vote against it.

It is for these reasons that I will vote against this conference report.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent 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.

PRESCRIPTION DRUGS: IN THE BIG TENT OR A SIDE SHOW

Mr. GRAHAM. Mr. President, this is the third in a series of five statements I am making on the issue of providing

a prescription drug benefit for senior Americans. This continues the discussion I began last Thursday on the subject of how to modernize the Medicare program into one which will meet the needs of 21st century seniors in America.

Last week, we discussed the need to fundamentally reform the Medicare program by shifting its focus from treating acute illness to promoting and maintaining wellness, essentially converting the Medicare program from one which has an orientation towards dealing with the disease or the results of an accident after they have occurred—a sickness system—to one that attempts to maintain the highest quality of health—a wellness system.

We discussed the fact that access to affordable prescription medications is crucial to the success of a health care system based on keeping seniors healthy, well, and active. And virtually every modality that is established to maintain the highest state of good health for seniors involves access to prescription drugs.

Additionally, we discussed that, in the long run, providing seniors with access to those components of an effective wellness system, such as preventive screening, medical procedures, and appropriate prescription drug therapies, can yield significant savings for the Medicare program and thus for the American taxpayer as well as providing the enormous benefits to the senior of good health and the active lifestyle that that will allow.

Let's look at the case of osteoporosis. Osteoporosis is a disease characterized by low bone mass, deterioration of bone tissue, leading to bone fragility and increased susceptibility to fractures, particularly of the hip, spine, and wrist.

Osteoporosis is a major public health threat for 28 million Americans. Eighty percent of those 28 million Americans are women. Osteoporosis is responsible for more than 1.5 million fractures annually in the United States. Included in this 1.5 million are 300,000 hip fractures, 700,000 vertebra fractures, 250,000 wrist fractures, and more than 300,000 fractures in other parts of the anatomy. Estimated national direct expenditures, including those for hospitals and nursing homes, for osteoporosis and related fractures is $14 billion a year.

The National Academy of Sciences and the National Institutes of Health agree that osteoporosis is highly preventable. A combination of a healthy lifestyle, with no smoking or excessive alcohol use, and bone density testing and medication and hormone therapies can keep men and women prone to this disease well and free of the debilitating, sometimes fatal, effects of fractures. Seniors and near seniors must have access to screening, counseling, and appropriate medication to keep this ''silent killer'' at bay.

One of the most common prescriptions for osteoporosis prevention is a treatment referred to as Fosamax. The annual cost of Fosamax is approximately $750. Contrast that with a hip replacement where the surgery and followup therapy will cost the Medicare program and taxpayers over $8,000.

It makes both programmatic and economic sense that these preventive interventions be included under the big tent of Medicare. They should be treated as all of the other benefits that 98 percent of those eligible for Medicare enjoy today.

Let me restate the fact that Part B of Medicare—that is the part that, among other things, covers physicians and outpatient services—is a voluntary program that seniors must elect to get the benefits and to pay the monthly premiums for participation in Part B. How many seniors in America who are eligible for that component of Medicare in fact make that election and pay that monthly fee to get those benefits? The answer: 98 percent of eligible seniors voluntarily elect to participate in Part B of Medicare.

Seniors trust and rely on Medicare. As a result, virtually all who are eligible to join voluntarily elect to do so. When the Federal Government decides that it should participate in providing a prescription drug benefit for American seniors, that benefit is best placed under the same big tent of the Medicare program.

Now, this is not a unanimous opinion. Some of my Senate colleagues believe that a prescription drug benefit should be left outside the tent, left to a sideshow status, if you will. In order to determine which way is truly the best way, the main tent of Medicare or a sideshow, it is important to answer some key questions.

Question 1 is what do the customers, the seniors and the people who live with disabilities, what do they want? How would they prefer this program to be organized and administered? We all know the old saying that the customer is always right. This will surely be true for the new drug benefit that we will offer to Medicare beneficiaries. Congress must learn to ask and to listen—in health care terminology, to first diagnose before we proceed to prescribe.

This should have been the lesson learned from Congress' ill-considered decision to add catastrophic coverage to Medicare in the late 1980s. We prescribed before we listened. When we listen, seniors tell us they like the Medicare program. Ninety-eight percent of them voluntarily elect to participate. In 1998, the Kaiser Family Foundation found that 74 percent of seniors surveyed believed that Medicare was doing a good job serving their interests.

Seniors tell us that while Medicare is not perfect, it is convenient, affordable, and dependable. They never worry that the benefits will suddenly disappear or become too expensive. They like the universality of the Medicare program. No matter where they are—in Kansas, in Utah, or in Florida—the benefits are available and affordable. They don't want to worry, as they would in some plans, that an income of $16,000 a year would make them ''too wealthy'' to qualify for help.

Including the prescription drug benefit in Medicare would offer peace of mind. But don't take my word for it. Another recent poll conducted by the Kaiser Family Foundation and Harvard University showed that when seniors are given the choice of having the Federal Government administer a Medicare prescription drug benefit versus the alternative of having the Government help to pay for private insurance plans, 36 percent chose the private option; 57 percent of the respondents preferred to have the benefit as part of an expanded Medicare program.

We hear over and over in statements on the Senate floor and occasionally even in political ads that Americans will be better off if prescription drug benefits are not made part of the Medicare program. But when we listen to the people, not to just political rhetoric, what we find is that Medicare beneficiaries do not complain about Medicare. Rather, we hear a desire to expand Medicare to include real prescription drug benefits. We should listen to these voices of the customers.

Question 2: Will a true Medicare benefit or a program that relies on private and State insurers be the most reliable? Predictability, sustainability, reliability are important qualities for America's seniors. The bill I have introduced with Senators ROBB, BRYAN, CONRAD, CHAFEE, and JEFFORDS assures that all beneficiaries, including those in underserved and rural areas, would be guaranteed a defined, accessible, affordable, and stable benefit for the same monthly premium nationwide. Medicare would subsidize benefits directly and pay for prescription drug costs as any other Medicare benefit.

In contrast, the plan that is being proposed by Governor George W. Bush and by House Republicans and by some Members of this body asserts that prescription medications are a sideshow act and should not be included under the big tent of Medicare. They have outlined plans and introduced legislation to accomplish that objective.

We have heard from our colleagues that seniors do not want big government involved in their prescription drug benefit. My colleagues have said that the Vice President's plan and even the plan that has been introduced by a bipartisan group of our colleagues is a one-size-fits-all plan without adequate choice. Governor Bush attacks the Vice President's plan in his latest television ad entitled ''Compare,'' saying that ''AL GORE's prescription drug plan forces seniors into a government-run HMO.''

I would like to quote from the New York Times of September 16, which analyzes this latest ad. This is what the New York Times has to say under the category of Accuracy:

Health maintenance organizations are not popular, so it is not surprising that the commercial links Mr. Gore's prescription drug plans to HMOs. But to do so is to stretch the facts.

Mr. Gore does not force the elderly to accept his new prescription drug benefit. It is voluntary. And Medicare recipients can stay in traditional plans where they choose their own doctors.

Mr. Gore's plan does rely on private benefit managers to manage the program—just like private insurers do—which encourages use of generic drugs and less expensive brand names. But these are not HMOs.

Some critics argue that it is Mr. Bush's plan that would increase the number of older persons enrolling in managed care. Mr. Bush would give the people the ability to choose between the traditional Medicare program, including a new drug benefit and government-subsidized private insurance packages. A question is whether the premiums would rise for traditional Medicare, causing more people to choose managed care.

Mr. President, I ask unanimous consent that the article from the New York Times of September 16 be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. GRAHAM. Let's take another look at what Governor Bush and others in the House, as well as some of our colleagues, would offer to seniors. They would offer choice in their prescription drug plan, but the choice is not for seniors. It is for the private insurers, the States, and other entities that might choose to participate. HMOs which participate can choose to offer an affordable benefit or a prohibitively expensive one or no prescription drug benefit at all. According to the Health Care Maintenance Organization, this year some 900,000 Medicare beneficiaries who had signed up with a Medicare+choice HMO have seen those benefits yanked away, as the HMO terminates coverage.

Many others have seen their HMOs either eliminate the prescription drug benefit, as have many in my State of Florida, or they have seen that benefit substantially reduced.

The House Republicans' plan looks to private insurance to offer prescription drug policies to seniors. We have discussed time after time that the private insurance industry has said it doesn't want to offer these plans. Maybe a reason for their disinclination to offer these plans can be provided through the window of a type of plan which is very similar to the Republican House proposal.

Under the current law, there are various types of Medigap plans—plans that are provided by private insurers to fill gaps in the Medicare program. Three of these Medigap plans cover prescription drug benefits. All three of these have a $250 deductible and a 50/50 cost sharing for coinsurance.

Plans labeled ''H'' and ''I'' cover drugs up to $1,250 in total spending and plan ''J'' covers up to $3,000 in total spending. None of these three plans offer what is referred to as a stop-loss. There is never a point in the process where the beneficiary is not forced to continue to pay half of the cost of their drugs.

Now, what does Medigap charge to get these programs which limit coverage, in two cases, to $1,250, and in a third, $3,000, without a stop-loss provision? The average cost of these plans nationwide, per month, is $136. In my State of Florida, the average cost per month is $167. This gives you some idea of what seniors are going to be asked to pay should we go to a private insurance model as the means of providing prescription medication. These costs are well beyond what is affordable for most low-income and many middle-income seniors.

With the history of broad variation, high, and unpredictable premiums and sub-par benefit packages, it is unclear to me why a Medigap-like approach to designing a Medicare prescription drug benefit would be in the best interest of America's seniors.

Finally, there is now before us a proposal for an ''immediate fix'' for low-income seniors with incomes up to 150 percent of poverty in the form of block grants to States. Not only would this plan cover only a fraction of Medicare beneficiaries, it would provide a patchwork quilt of coverage for those individuals who did qualify for the benefit.

States could offer coverage consistent with their current Medicaid or State drug assistance programs, or could punt their programs to the Federal Government if they chose not to participate at all.

Seniors in some States would have coverage, but when they move to another State, they might have no coverage, or different coverage. It would be like Forrest Gump and his box of chocolates—seniors would never know just what kind of coverage they would get.

The reason that 98 percent of Medicare-eligible beneficiaries sign up for the Medicare program is that it provides reliable, quality coverage for everyone equally and everywhere in the United States of America. So why would we treat a prescription drug benefit differently than we do for the rest of Medicare benefits?

A third question is who is eligible under the program and what will they get?

There is a great deal of rhetoric about who will be eligible under the prescription drug plans being offered. For Mr. and Mrs. Jones, who make $11,000 a year—100 percent of poverty—both of the plans offered in the Senate and by Texas Governor Bush claim that their drug coverage will be completely paid for. But what will that coverage be?

In Texas, the Medicaid program only covers three prescription drugs a month. So Mr. and Mrs. Jones would be out of luck if they required more than that. But if they moved to Illinois, the program might only cover drugs for certain conditions, as is the case with that State's current drug assistance program.

A prescription drug benefit within Medicare, such as those proposed by my colleagues and myself in the Senate and the Vice President, would ensure coverage of all medically necessary prescription drugs based on need without a benefit cap. That is the kind of reliability that seniors need. And what of my own constituent, Elaine Kett.

Elaine Kett is a 77-year-old woman from Vero Beach. She is a widow living on a fixed income of approximately $20,000 a year. Like many of my constituents, Mrs. Kett sent me a list of all the prescription drugs that she takes to keep herself active and well. Every year, Elaine Kett makes sacrifices to ensure that she takes the medications she needs to live a normal active life. There are millions of seniors like Mrs. Kett in the United States today. None of them would be covered by a low income block grant to the states.

Question Four: The final question, which approach would ensure that seniors have access to an affordable drug benefit—one which could be most effective in holding down the escalating prices of prescription medications?

Individuals like Mrs. Kett are not alone. We are all witnessing prescription drug prices climbing at record levels of over 17 percent per year. We are all aware of the fact that buying in bulk yields discounts. Those seniors without insurance plans that cover drugs are on their own in the market and are faced with the higher drug prices than those of us who have prescription drug coverage negotiated by a pharmacy benefit manager.

Tomorrow, we will discuss the impact of the high cost of prescription drugs on seniors—and what can and should be done to make prescription medications more affordable for seniors.

Mr. President, our families should be secure in the fact that prescription medications are included in the big tent of Medicare and are not treated as the bearded lady outside the big tent at the circus. For many seniors, prescription medications are the main event—and we should treat them as such. A prescription drug benefit in the Medicare program is not ''one size fits all,'' but rather one program for all. I look

forward to discussing why a prescription drug benefit must not only be universal and accessible, but truly affordable.

Mr. President, when I give my fourth statement on this topic, I will elaborate on the question of which of the options that are before us inside the ''main tent'' of Medicare or the ''side tent'' of a separate non-Medicare administered prescription drug benefit, and which one will have the best opportunity of assuring affordability for America's seniors.

EXHIBIT 1

[From the New York Times, Sept. 16, 2000]

A THREE-PART ATTACK ON GORE

(By Alison Mitchell)

The Republican campaign of Gov. George W. Bush and Dick Cheney has begun broadcasting a commercial, ''Compare,'' in 18 states in its effort to take the offensive on the issues. It takes aim at Vice President Al Gore's stands on a prescription drug benefit in Medicare, on education and on tax cuts.

Producer Maverick Media.

On the screen. The 30-second commercial features statements about Mr. Gore's proposals in black on stark white background, counterposed with color pictures of Mr. Bush. It then shows pictures in color of Americans of different ethnicity, as it speaks of people who will not get a tax cut under Mr. Gore's $500 billion plan for tax relief.

The script. A female announcer: ''Al Gore's prescription plan forces seniors into a government-run H.M.O. Governor Bush gives seniors a choice. Gore says he's for school accountability, but requires no real testing. Governor Bush requires tests and holds schools accountable for results. Gore's targeted tax cuts leave out 50 million people—half of all taxpayers. Under Bush, every taxpayer gets a tax cut and no family pays more than a third of their income to Washington. Governor Bush has real plans that work for real people.''

Accuracy. Health maintenance organizations are not popular, so it is not surprising that the commercial links Mr. Gore's prescription drug plan to H.M.O.'s. But to do so it has to stretch the facts.

Mr. Gore does not force the elderly to accept his new prescription drug benefit. It is voluntary. And Medicare recipients can stay in traditional plans where they choose their own doctors. Mr. Gore's plan does rely on private benefit managers to manage the program—just like private insurers do—which encourages use of generic drugs and less expensive brand names. But these are not H.M.O.'s.

Some critics argue that it is Mr. Bush's plan that would increase the number of older people enrolling in managed care. Mr. Bush would give people the ability to choose between the traditional Medicare program including a new drug benefit and government-subsidized private insurance packages. A question is whether the premiums would rise for traditional Medicare, causing more people to choose managed care.

On schools, Mr. Bush and Mr. Gore both propose testing and different kinds of accountability measures, but Mr. Bush's proposal calls for tests that would cover more grades and be more frequent than does Mr. Gore's.

It is true that Mr. Bush's $1.3 trillion 10-year tax-cut plan would give a tax reduction to every income bracket while Mr. Gore's plan for $500 million in targeted tax cuts would give tax breaks only for purposes like college education or child care.

Score card. With its tag line, ''Governor Bush has real plans that work for real people,'' the spot suggests that Mr. Gore is not credible and neither are his programs. But Mr. Bush has his work cut out for him. Many polls show that voters trust the Democratic candidate more on health care and education. And while Mr. Bush may have the Republican's traditional advantage when it comes to tax-cutting, right now tax cuts are not one of the top concerns of voters.

IN MEMORY OF MURRAY ZWEBEN, FORMER SENATE PARLIAMENTARIAN

Mr. DASCHLE. Mr. President, over the weekend we were saddened to learn of the death of Murray Zweben. Murray was chosen by the late Floyd Riddick to be his assistant in the Parliamentarian's office in 1965. He followed ''Doc'' Riddick in that post and became the Senate Parliamentarian in 1975. He served in that capacity for 6 years and left in 1981. The Senate recognized his exemplary service in 1983 by elevating him to parliamentarian emeritus. After he left the Senate, Murray worked in private law practice and played as much tennis as his schedule would permit. Those of us who knew Murray and his extraordinary ability to fly through the New York Times crossword puzzle, in ink no less, will miss him. Our thoughts and prayers go out to his wife Anne, and his children Suzanne, Lisa, Marc, John, and Harry.

SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 218

Mr. DOMENICI. Mr. President, section 218 of H. Con. Res. 290 (the FY 2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Armed Services, provided certain conditions are met.

Pursuant to section 218, I hereby submit the following revisions to H. Con. Res. 290:

[By fiscal years; in millions of dollars]

Current Allocation to Senate Armed Services Committee:	
2001 Budget Authority	$50,139
2001 Outlays	50,129
2001–2005 Budget Authority	267,298
2001–2005 Outlays	266,974
Adjustments:	
2001 Budget Authority	50
2001 Outlays	50
2001–2005 Budget Authority	400
2001–2005 Outlays	400
Revised Allocation to Senate Armed Services Committee:	
2001 Budget Authority	50,189
2001 Outlays	50,179
2001–2005 Budget Authority	267,698
2001–2005 Outlays	267,374

THE MADRID PROTOCOL IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, we are fast approaching the end of this Congress and we have much unfinished business. While there are many items of importance to the American people that remain undone, I will speak today about a single bill that has been languishing for some time despite the fact that it is wholly uncontroversial. That bill is S. 671, the Madrid Protocol Implementation Act.

This bill is important to American businesses, both big and small. As the International Trademark Association explained in a letter to me on February 9, 2000 on behalf of its 3,700 member companies and law firms, ''the practical benefits of the Madrid system, such as ease of applying and renewing trademark registrations internationally, will be of tremendous benefit to U.S. companies'' and, in particular, the benefits to ''small, entrepreneurial companies which do not have the financial means to seek separate national registrations for their trademarks in every country where they wish to do business.'' The bill and the Protocol are also supported by the American Intellectual Property Law Association and the Information Technology Association of America.

I first introduced this legislation in the 105th Congress as S. 2191 and again in this Congress in March, 1999. The Judiciary Committee reported S. 671, favorably and unanimously, on February 10, 2000. Unfortunately, the legislation has been languishing on the Senate calendar for the past eight months. In the House of Representatives, Congressmen COBLE and BERMAN sponsored and passed an identical bill, H.R. 769, on April 13, 1999. This marked the third time and the third Congress in which the House of Representatives had passed this bill.

There is no opposition to S. 671, nor to the substantive portions of the underlying Protocol. The White House recently forwarded the Protocol to the Senate for its advise and consent after working to resolve differences between the Administration and the European Community, EC, regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the agreement. These differences over the voting rights of the European Union and participation of intergovernmental organizations in this intellectual property treaty are now resolved in accordance with the U.S. position. Specifically, on February 2, 2000, the Assembly of the Madrid Protocol expressed its intent ''to use their voting rights in such a way as to ensure that the number of votes cast by the European Community and its member States does not exceed the number of the European Community's Member States.''

Shortly after this letter was forwarded by the Assembly, I wrote to

Secretary of State Madeleine Albright requesting information on the Administration's position in light of the resolution of the voting dispute. At a hearing of the Foreign Operations Subcommittee on April 14, 2000, I further inquired of Secretary Albright about the progress the Administration was making on this matter.

With the voting rights issue resolved, President Clinton transmitted Treaty Document 106–41, the Protocol Relating to the Madrid Agreement to the Senate for ratification on September 5, 2000. United States membership in the Protocol would greatly enhance the ability of any U.S. business, whether large and small, to protect its trademarks in other countries more quickly, cheaply and easily. That, in turn, will make it easier for American businesses to enter foreign markets and to protect their trademarks in those markets.

Senators HELMS and BIDEN moved promptly to hold a hearing in the Foreign Relations Committee on September 13, 2000 to consider the Protocol, and I commend them for acting quickly so this treaty may be considered by the full Senate before we adjourn. Members on both sides of the aisle have worked together successfully and productively in the past on intellectual property matters, and I am pleased to see these efforts again with the Protocol and implementing legislation.

Passage of S. 671 would help to ensure timely accession to and implementation of the Madrid Protocol, and it will send a clear signal to the international community, U.S. businesses, and trademark owners that Congress is serious about our Nation becoming part of a low-cost, efficient system to promote the international registration of marks.

The Madrid Protocol Implementation Act is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a ''one stop'' international trademark registration process, which would be an enormous benefit for American businesses.

S. 671 makes no substantive change in American trademark law but sets up new procedures for trademark applicants who want to obtain international trademark protection. This bill would ease the trademark registration burden on small and medium-sized businesses by enabling businesses to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection. The practical benefits of the Madrid Protocol system will be to provide small and medium-sized U.S. businesses with faster, cheaper and easier protection for their trademarks.

I again urge the Senate to promptly consider and send to the President the Madrid Protocol Implementation Act.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. HARKIN. Mr. President, I would like to take a moment to talk about an important issue—the critical need for Congress to reauthorize the Violence Against Women Act or VAWA. It has strong bipartisan support and it should be passed before the end of this session.

I was a proud cosponsor of this bill when it passed in 1994 and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in Iowa and across the nation. It has directed millions of federal dollars in grants to local law enforcement, prosecution and victim services.

Iowa has received more than $8 million in grants through VAWA. These grants fund the Iowa Domestic Violence Hotline. They help keep the doors open at domestic violence shelters, like the Family Violence Center in Des Moines.

VAWA grants to Iowa have provided services to more than 2,000 sexual assault victims just this year. And more than 20,559 Iowa students this year have received information about rape prevention through this federal funding.

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that state and community efforts are working.

But VAWA must be reauthorized to allow these efforts to continue without having to worry that this funding will be lost from year to year.

Congress should not turn its back on America's women and children. Reauthorization should be a priority. So, I urge my colleagues and the leadership to pass this legislation this session.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. 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 19, 2000:

Angel Avila, 17, El Paso, TX; Patrick Codada, 21, Miami, FL; Hugo Contreras, 19, Houston, TX; Jose C. Diaz, 35, Chicago, IL; Alfred Harth, 26, Kansas City, MO; Pedro Hernandez, 23, Chicago, IL; Michael Jones, 18, Baltimore, MD; Michael K. Mills, 17, Chicago, IL; Guadalupe Munoz, 25, Houston, TX; Mario Cardenas Rivera, 18, Minneapolis, MN; Enrique Ortiz Suerez, 12, Minneapolis, MN; Ivory Williams, 18, Detroit, MI; Victor Williams, 17, Detroit, MI; Unidentified Male, 79, Portland, OR; Unidentified Female, 26, Norfolk, VA.

Following are the names of some of the people who were killed by gunfire one year ago yesterday.

September 18, 2000:

Carlos Barrera, 28, Dallas, TX; James D. Bivens, 30, Chicago, IL; Layuvette Daniels, 24, Atlanta, GA; Dedrick Jennings, 21, Memphis, TN; Julian Johnson, 17, Atlanta, GA; Amyn Noormuhammed, 25, Houston, TX; Brogdan Patlakh, 24, Philadelphia, PA; Cassiaus Stuckey, 35, Miami, FL; Rad I. Webster, 27, New Orleans, LA; Darel Whitman, 27, Dallas, TX; Joshua Young, 26, Detroit, MI; Unidentified Male, 48, Long Beach, CA.

One victim of gun violence I mentioned, 17-year-old Julian Johnson from Atlanta, was a popular student and football star from Douglass High School in Atlanta. One year ago yesterday, Julian was shot and killed in a drive-by shooting after a football game victory.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

20TH ANNIVERSARY OF THE REGULATORY FLEXIBILITY ACT

Mr. KERRY. Mr. President, I speak today to make note of the anniversary of the signing into law of the Regulatory Flexibility Act. Twenty years ago today, the Reg Flex Act, as it is better known, was signed into law after its passage by the 96th Congress. This historic piece of legislation explicitly recognized the importance of small businesses to the economy and their

contributions to innovation and competition.

With the Reg Flex Act, Congress intended that no federal action taken in the name of good public policy would undermine the nation's equally important commitment to preserving competition and to maintaining a level playing field for small businesses. The law established an analytical framework in which regulatory agencies were directed to consider the impact on small businesses of their regulatory proposals and consider alternatives that would have a more equitable impact without compromising public policy objectives. The Reg Flex Act had bipartisan support, as well as the support of the small business community.

In 1996 the Senate Small Business Committee led the effort to strengthen the Reg Flex Act with the passage of the Small Business Regulatory Enforcement Fairness Act. Under SBREFA, for the first time, the courts were given jurisdiction to review agency compliance with the law and impose remedial action where necessary. This and other changes have truly altered the culture within regulatory agencies. Federal government agencies are learning that they must balance diverse public interest concerns when developing regulations and they must ensure that their actions do not adversely affect small businesses and competition. Nearly every regulation is now examined for its impact on small businesses. Although they may never know it, small businesses have saved billions of dollars and countless work hours thanks to agency compliance with the Reg Flex Act.

Mr. President, the Reg Flex Act clearly helps small businesses every day by compelling agencies to reduce their compliance burdens. The Senate should take pride in the innovative Reg Flex Act, which has helped to create the best climate in the world for small business growth and prosperity. As the Ranking Member of the Senate Committee on Small Business, I am pleased to have played a key role in strengthening this legislation and ensuring its effective application for the benefit of our nation's small businesses.

DOMESTIC VIOLENCE CASES IN THE ASYLUM PROCESS

Mr. LEAHY. Mr. President, I would like to speak today about two critically important immigration issues—expedited removal and the treatment of domestic violence victims in our asylum process. They both arose in a case recently brought to my attention. Two months ago, Ms. Nurys Altagracia Michel Dume fled to the United States from the Dominican Republic. She was fleeing from the man with whom she had lived for the past 11 years, a man who had raped her numerous times, forbade her even to leave the house, and, shortly before she left, bought a gun, held it to her head, and threatened to kill her. This was not the first time he had threatened her life.

She arrived here on July 17, and she was subject to expedited removal because, in her haste to escape from her abusive partner, she traveled without a valid passport. She expressed her fear of returning to the Dominican Republic. After three days of confinement, she was accorded a credible fear interview. At this crucial interview, at which she would have to discuss the fact that she had been raped, she was interviewed by two male employees and was not represented by counsel. Under their narrow interpretation of what may constitute ''credible fear of persecution,'' based on their interpretation of a Board of Immigration Appeals decision, Matter of R-A-, the INS took the position initially that Ms. Michel should be sent back to the Dominican Republic. Under their interpretation any asylum claims based on a fear of domestic violence would be barred. So even though they believed that Ms. Michel's partner might kill her if she were forced to return to her native country, they nonetheless made a legal judgment that her claim was invalid.

I cannot believe that even those supporters of the expedited removal process who forced it into law in 1996 could have intended for this matter to be resolved in this way or for questions of law to be resolved in INS officers at a credible fear hearing. I brought this case to the attention of the INS by way of a letter on August 28. The Lawyers' Committee for Human Rights, Congresswoman CAROLYN MALONEY, and others wrote, as well. I am glad to report that Ms. Michel was accorded a second credible fear interview. At this second interview, Ms. Michel was found to have a credible fear of persecution, and will now have the chance to raise an asylum claim.

Despite this reprieve, however, Ms. Michel's case reveals yet again the serious flaws in expedited removal. A woman who told a compelling history about the danger she faced if returned to her country was only able to receive an asylum hearing after the intervention of highly capable counsel and Members of both Houses of Congress. That it is not an effective or just system. If Ms. Michel's case had not come to the attention of the Lawyers' Committee, she would likely already be back in the Dominican Republic. If she had been forced back, I shudder to think what might have happened to her.

People who flee their countries to escape serious danger should be able to have asylum hearings in the United States without having to navigate the procedural roadblocks established by expedited removal. I, again, call upon the Senate to consider S. 1940, the Refugee Protection Act, a bipartisan bill I introduced last fall with Senator BROWNBACK and five other Senators of both parties. This bill would restrict the use of expedited removal to times of immigration emergencies, and include due process protections in those rare times when it is used.

Expedited removal was originally instituted in the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA). Under expedited removal, low-level INS officers with cursory supervision have the authority to ''remove'' people who arrive at our border without proper documentation, or with facially valid documentation that the officer simply suspects is invalid. No review—administrative or judicial—is available of the INS officer's decision, which is rendered after a so-called secondary inspection interview. ''Removal'' is an antiseptic way of saying thrown out of the country.

Expedited removal was widely criticized at the time of its passage as ignoring the realities of political persecution, since people being tortured by their government are quite likely to have difficulties obtaining valid travel documents from that government. Its adoption was viewed by many—including a majority of this body—as an abandonment of our historical commitment to refugees and a misplaced reaction to our legitimate fears of terrorism.

When we debated the Illegal Immigration Reform and Immigrant Responsibility Act later the same year, I offered an amendment with Senator DEWINE to restrict the use of expedited removal to times of immigration emergencies, which would be certified by the Attorney General. This more limited authority was all that the Administration had requested in the first place, and it was far more in line with our international and historical commitments. This amendment passed the Senate with bipartisan support, but it was removed in one of the most partisan conference committees I have ever witnessed. As a result, the extreme version of expedited removal contained in AEDPA remained law, and was implemented in 1997. Ever since, I have attempted to fix the problems with expedited removal.

The Refugee Protection Act is modeled closely on the 1996 amendment that passed the Senate, and I have been optimistic that it too would be supported by a broad coalition of Senators. It allows expedited removal only in times of immigration emergencies, and it provides due process rights and elemental fairness for those arriving at our borders without sacrificing security concerns. But even as the Refugee Protection act has gained additional cosponsors during this session, it has been ignored by the Senate leadership. Indeed, despite my requests, the bill has not even received a hearing.

Meanwhile, in the three and a half years that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were thrown out of the country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, ''Dem,'' a Kosovar Albanian, was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. During his interview with the INS inspector who had unreviewable discretion over his fate, he was provided with a Serbian translator who did not speak Albanian, rendering the interview a farce. Instead of being embraced as a political refugee, he was put on the next plane back to where his flight had originated. We only know about his story at all because he was dogged enough to make it back to the United States. On this second trip, he was found to have a credible fear of persecution and he is currently in the midst of the asylum process.

One of the most distressing parts of expedited removal is that there is no way for us to know how many deserving refugees have been excluded. Because secondary inspection interviews are conducted in secret, we typically only learn about mistakes when refugees manage to make it back to the United States a second time, like Dem, or when they are deported to a third country they passed through on their way to the U.S. This uncertainty should lead us to be especially wary of continuing this failed experiment.

And now we must even be concerned about the conduct of credible fear interviews. When aliens subject to expedited removal express a fear of returning to their home country, the law requires that they be referred for a credible fear hearing. If their fear is found to be legitimate, they are then allowed to make a claim for political asylum. These interviews are not designed to make judgments about legal questions, but simply to determine whether a person may have a valid asylum claim. This process failed Ms. Michel, and we must now worry that it is failing other refugees.

I am also concerned about the underlying legal issue in the case of Ms. Michel and other victims of domestic violence. Last year, the Board of Immigration Appeals denied the asylum request of a Guatemalan woman who faced likely death at the hands of her husband if she were forced to return home. In that decision, Matter of R–A–, the BIA decided that victims of domestic violence did not qualify as a ''social group'' under our asylum laws. The Attorney General currently has this very decision under review. It is my hope that she will reverse it.

Last year I sent a letter to the INS Commissioner supporting the asylum claim of Ms. R–A. In that case, the INS did not dispute her account of horrific abuse, including her claims that her husband raped and pistol-whipped her, and beat her unconscious in front of her children. Nor did the INS dispute that law enforcement authority in her native Guatemala told her that they would not protect her from violent crimes committed against her by her husband. Based on this evidence, an immigration judge determined in 1996 that she was entitled to asylum, but the INS appealed that ruling and convinced the BIA to reverse it. That decision is currently on appeal in the Ninth Circuit Court of Appeals, but that court has stayed its consideration of the matter pending the Attorney General's own review.

Evidence of domestic violence is sadly all too common in our asylum system. Last year, I also encouraged the INS to grant asylum to a 16-year-old girl from Mexico who sought asylum in the United States after fleeing from a father who had beaten her since she was three years old, using whips, tree branches, his fists, and a hose. Apparently, the girl attempted to intervene when her father was beating her mother. Again, local law enforcement failed to protect the girl, and she fled to the United States. As in R-A-, an immigration judge granted her asylum request, but the INS appealed, and the BIA reversed it.

These BIA decisions came only two years after its decision that Fauziya Kasinga—who faced female genital mutilation if forced to return to her native Togo—was protected by our asylum laws. In making this decision, the BIA found that potential victims of genital mutilation constituted a ''social group.'' I agree with this decision, and I believe that women fearing domestic violence must certainly also so qualify. This is especially true where—as is the case for Ms. Michel and many other women—the asylum applicants come from nations where law enforcement officials often turn a blind eye to claims of domestic violence.

Of course, the problems faced by women around the world go beyond domestic violence. Another stark example of the ways in which women applicants may be insufficiently protected by our asylum laws comes from the case of Ms. A-, a Jordanian woman seeking asylum in the United States after fleeing the prospect of a so-called ''honor killing'' in Jordan. I wrote the Attorney General in February—along with a bipartisan group of six other Senators—to support her asylum application. Ms. A- had fallen in love with a Palestinian man who asked her to marry him. Her father forbade the marriage, however, because he was Palestinian and had a low-paying job. Ms. A- was at that point faced with the possibility that she might be pregnant and the certainty that her future husband, whoever he might be, would know that she was no longer a virgin, a fact that would bring shame and dishonor upon her family and potentially justify her murder at her family's hands under a widely-practiced Jordanian custom. She fled to the United States and married this man.

In June 1995, her sister informed her that their father had met with their nuclear family, uncles and cousins to demand that they kill A- wherever they might meet her. The State Department reported that there were more than 20 ''honor killings'' in Jordan in 1998, and speculated that the actual number was probably four times as high. Making matters even worse, these killings are typically punishable by only a few months' imprisonment.

Despite the very close resemblance between these facts and the facts in Kasinga, both an immigration judge and the BIA found that Ms. A- was ineligible for asylum. The INS has agreed to stay further proceedings in the case while the Attorney General reviews the matter.

The existence of these problems in our asylum system shows that there is still work to be done, both by this Congress and in the executive branch. I call upon the Senate to use some of the time we have remaining to address the problems in our expedited removal system, and upon the Attorney General and the INS to be vigilant that victims of rape and other forms of serious domestic abuse not be returned to their countries under expedited removal. And I renew my call to the Attorney General that we reevaluate our position on asylum eligibility for victims of severe domestic violence from nations that do not take domestic violence seriously. Finally, I encourage all of my colleagues to sign on to a letter that Senator LANDRIEU and I are circulating that would ask the Attorney General to overturn R-A- and reaffirm our commitment to human rights and women's rights.

HUD'S GUN BUYBACK PROGRAM

Mr. LAUTENBERG. Mr. President, in recent months, some Members of Congress have questioned the Department of Housing and Urban Development's authority to conduct gun buyback programs under the Public and Assisted Housing Drug Elimination Act. As the author of that legislation, I rise to set the record straight.

In proposing the Public and Assisted Housing Drug Elimination Act, my intent was to make our streets safer, particularly in federally-assisted and low-income housing where the federal government has a clear responsibility to protect families. And that intent is reflected in the statutory language, 42 U.S.C. Section 11902(a), which provides that HUD is to make grants available for use in ''eliminating drug-related

and violent crime.'' Certainly, violent crime includes all of the offenses involving guns, whether it is murder, robbery, or gang-related activity. In short, gun buybacks are an eligible activity under the Act, and HUD has acted properly in assisting housing authorities and local communities with this important effort.

Furthermore, HUD's efforts to combat gun violence have been very successful. HUD's Gun Buyback and Violence Reduction Initiative has taken about 18,500 guns off the streets in more than 70 cities, and this program has received strong support from community organizations and law enforcement.

Every year, gun violence claims an average of 30,000 lives and wounds another 100,000 people. Congress should support, and not impede, local efforts to get guns off our streets and reduce crime.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 18, 2000, the Federal debt stood at $5,651,871,016,617.17, five trillion, six hundred fifty-one billion, eight hundred seventy-one million, sixteen thousand, six hundred seventeen dollars and seventeen cents.

Five years ago, September 18, 1995, the Federal debt stood at $4,963,469,000,000, four trillion, nine hundred sixty-three billion, four hundred sixty-nine million.

Ten years ago, September 18, 1990, the Federal debt stood at $3,232,530,000,000, three trillion, two hundred thirty-two billion, five hundred thirty million.

Fifteen years ago, September 18, 1985, the Federal debt stood at $1,823,102,000,000, one trillion, eight hundred twenty-three billion, one hundred two million.

Twenty-five years ago, September 18, 1975, the Federal debt stood at $550,627,000,000, five hundred fifty billion, six hundred twenty-seven million which reflects a debt increase of more than $5 trillion—$5,101,244,016,617.17, five trillion, one hundred one billion, two hundred forty-four million, sixteen thousand, six hundred seventeen dollars and seventeen cents during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNITION OF MEGAN QUANN, GOLD MEDAL SWIMMER FROM PUYALLUP, WA

• Mr. GORTON. Mr. President, I would like to take this opportunity to congratulate a remarkable young woman who hails from the great state of Washington and just recently struck gold at the Summer Olympics in Sydney, Australia.

On Monday, Megan Quann, a junior at Emerald Ridge High School in Puyallup, won the gold medal in the 100-meter breaststroke. Megan rallied from third place to win in a time of 1:07.05, setting a new American record.

Practicing every morning at 4:30 a.m. and swimming over 11 miles a day in preparation for the Olympics, Megan is a truly dedicated and inspiring athlete. I have learned that the City of Puyallup is already in the planning stages of welcoming their Olympic champion home with keys to the city and a plan to set aside a day on the calendar as ''Megan Quann Day.''

Later this week, Megan will compete again as part of the women's medley relay and will have another shot at bringing home the gold. I wish Megan luck in her next race and ask that the Senate join me in congratulating her for what she has achieved.•

THE NATIONAL HISTORY DAY PROGRAM

• Mr. BINGAMAN. Mr. President, I rise today to speak on and give my support to a worthy program called National History Day. National History Day is a year-long, nonprofit program in which children in grades 6–12 research and create historical projects related to a broad annual theme. This year's theme was ''Turning points in History: People, Ideas, Events.'' Using this theme, students research their area of interest and create a project, which is then entered in an annual contest. The primary goal of the National History Day program is to revolutionize the techniques implemented in teaching and training our youth.

What I want to emphasize today is the tremendous impact this unique and valuable program has had in my home state of New Mexico. New Mexico's involvement with National History Day began three years ago, and has continued to grow and enrich the lives of New Mexico's youth. The participants in the first year were few, but to date we have had more than one thousand young New Mexicans participate in the state competition.

New Mexico students that participate in this program are given the opportunity to expand upon critical thinking and research skills, which in turn help them in all subject areas. The projects they work on give them a greater appreciation of historical events that have helped shape their own hometowns as well as their nation. This hands on approach to history is an innovative way to get students excited and genuinely interested in our great nation's history.

I know that with our support, the National History Day program will continue to grow, and I believe that this growth is essential for today's students. When students do not have an opportunity to participate in this program, they miss out on a chance to grow and to better themselves. As Pulitzer Prize winner David McCullough states:

> Knowledge of history is the precondition of political intelligence. Without history, a society shares no common memory of where it has been, of what its core values are, or what decisions in the past account for the present circumstance.

National History Day gives students an opportunity to learn of our history and its importance in their daily lives.

I hope my colleagues will join me in supporting this program.•

NATIONAL LIBRARY CARD SIGN-UP MONTH

• Mr. GRAMS. Mr. President, today I rise to recognize September as National Library Card Sign-up Month and pay tribute to those dedicated individuals who, through their passion for books and learning, make our libraries places of great discovery.

As school begins for millions of children this month, parents and mentors are coming together to promote one of the most important school supplies, one available free to every child: a library card. With the support of the American Library Association, National Library Card Sign-up Month spotlights the wealth of resources found at our local public libraries. Libraries not only offer books, magazines, and reference materials, but many also provide CDs, videos, and Internet connections to assist children and adults meet their educational goals.

There is no better place than our libraries for bringing the world and the events that shape it—past and present—to life. Fortunately, a child doesn't need any special gadgets to experience all the library has to offer; they just need their library card. A library card can open the doors to space exploration, put a reader in the front seat with a storm chaser, transport anyone with a good imagination back thousands of years in time, and offer every imaginable point of view on every topic of interest.

Mr. President, during National Library Card Sign-up Month, I commend America's schools and libraries for providing and promoting an environment that sparks a passion in people of all ages for books and learning. And I urge parents and teachers alike to share their knowledge and passion for learning with our children by signing them up for library cards at the local public library.•

FORMER SAN FRANCISCO MAYOR GEORGE CHRISTOPHER

• Mrs. BOXER. Mr. President, it is with sadness that I rise to inform my colleagues of the death of former San Francisco Mayor George Christopher,

who passed away on September 14th at the age of 92. I express my deepest condolences to Mayor Christopher's family and to his countless friends.

The city has lost an extraordinary civic leader—one whose grand vision and passion for helping people are vividly remembered by all who knew him.

Although many residents were not yet born during George Christopher's two terms as mayor from 1956 to 1964, the citizens of San Francisco still benefit today from his dynamic and no nonsense leadership. People like to say that San Francisco grew up during his tenure, that he made it a big league city. Indeed, it was George Christopher who brought the then New York Giants to town.

Mayor Christopher changed the way San Francisco looked and the way its citizens looked at themselves. He transformed the City's skyline, built the Japan Center and Candlestick Park, and he modernized downtown. He built San Francisco into a cosmopolitan, world-class city.

The child of Greek immigrants, as mayor he ushered in an era of stronger civil rights consciousness and was a particular hero to San Francisco's Greek community. He was a man of international stature who never lost his close connection to everyday people. Mayor Christopher's life was dedicated to public service, and the San Francisco of today is in many ways a living testament to his achievements both in and out of office.

George Christopher was an exceptional leader who will be greatly missed.●

BYRON CENTER HIGH SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Byron Center High School in Byron Center, Michigan, one of these nine schools.

Over the past eight years, Byron Center High School has transformed itself from a school rooted in the curriculum of the 1950's to one prepared for the constantly changing information age of the 21st Century. A graduate of Byron Center is now technologically, academically, and culturally literate. The key to this transformation has been a shift of focus, as administrators stopped tinkering with curriculum and teaching strategies and rather developed a comprehensive restructuring model, which enabled them to more effectively address the entire educational process that Byron Center students are put through.

With the new restructuring model, Byron Center faculty and administrators have focused their efforts on four areas: providing effective guidance to all students by improving and promoting career awareness programs; forming strong partnerships and effective working relationships with local business and community leaders; hiring quality teachers and allowing them to be the leaders in the effort to improve; and constantly monitoring student performance, not only on state and national tests, but also by conducting one year and five year follow up surveys of Byron Center graduates, and collectively employing this information to determine where improvements could occur within Byron Center High School to better prepare students find success in a rapidly changing world.

The success of the transformation can clearly be seen in the new Byron Center High School facility, which students and staff moved into the fall of 1998. Dr. Robert Burt, who visited Byron Center to make the assessment for the Blue Ribbon Award, said that administrators ''built the school around a structure of technology,'' which provided him a ''dramatic opportunity to learn about the new age of high schools.'' Indeed, the facility was designed to support the curriculum, teaching strategies and information technology systems that have played such a vital role in the overwhelmingly successful development of Byron Center High School.

Mr. President, I applaud the students, parents, faculty and administration of Byron Center High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. William Skilling, the Principal of Byron Center High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Byron Center High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.●

IN HONOR OF WILLIAM F. ASKEW

● Mr. ASHCROFT. Mr. President. I rise today to give honor to and remember the life of William F. Askew. Bill devoted his life to his nation, his family and to delivering the comfort of the Lord's word to the hearts of all those he touched.

Bill enlisted in the U.S. Marine Corps in 1942 and served in the Pacific Theater of Operations during World War II. He also served in the Florida National Guard during the Korean Conflict. Bill married Doris Dillman in June, 1946, and together they had 9 children. Bill was the founding pastor of Arlington Heights Baptist Church in Jacksonville, Florida, for 15 years, before moving to Springfield's Noble Hill Baptist Church where he pastored for the next 26 years. In 1995, Bill retired from the pastorate, but continued to touch the lives of young people with the love of God by serving as the foundations class teacher at New Life Baptist Church.

Bill understood that preaching God's word meant more than speaking from the pulpit on Sunday; it meant action as well. Bill participated in Springfield and area community activities. He served as a longtime member of the Springfield Northside Betterment Association and the Breakfast Club of the Ozarks. He served as General Manager of a 100,000 watt Christian Radio Station, KWFC, in Springfield since it first opened in 1968. And with all these activities, he still found time to be a member of the teaching faculty at Baptist Bible College.

Bill's devotion to the Savior was his most prominent feature and shapes the legacy that he leaves with his 9 children, 34 grandchildren and 14 great grandchildren.●

THE ANNIVERSARY OF THE FOUNDING OF THE AIR FORCE

● Mr. GRAMS. Mr. President, today I rise to pay tribute to the United States Air Force as it celebrates its 53rd anniversary. For more than half a century, the men and women of the Air Force, through their dedicated service and sacrifice, have helped to ensure the freedom and security of America and the world.

Although military aviation in this country had its beginnings in the Army, less than four years after the Wright brothers made their historic first flight, it was not until 1947 that the Air Force was established as a separate branch of the armed services.

The birth of the Air Force itself can be traced to 1907, when the Aeronautical Division of the U.S. Army Signal Corps was organized. In 1935, the General Headquarters was established, and the Air Corps gained control of tactical units under General Frank Andrews, after whom Andrews Air Force Base was named. Between the years of 1939 and 1945, this organization was known as the Army Air Force and was led by the legendary General Henry ''Hap'' Arnold. In March 1942, the Army Air Force became coequal with the

Army ground forces, a major step in the evolution of the Air Force.

Chief Army officers such as Gen. Dwight D. Eisenhower witnessed firsthand the vital role played by air power in World War II, and foresaw the increasing importance of air power in future conflicts. Military leaders recognized that the growing strategic significance of aircraft made necessary the creation of an additional military branch, alongside the Army, Navy, and Marines, and in 1947 the National Security Act made the Air Force an autonomous military power.

Over the course of its illustrious history, the Air Force has taken on additional responsibilities, extending its reach beyond the atmosphere into space. In 1956, it was put in charge of all land-based ballistic missile systems. The first missile under the control of the Air Force—the Atlas ballistic missile—was made operational in September 1959. By 1965, the Air Force was responsible for the development of satellites, boosters, space probes, and other systems used by NASA. According to former Air Force Chief of Staff Gen. Ronald R. Fogleman, America is safer in a dangerous world because of what the Air Force brings to our nation's defense: ''long range lethal combat power . . . strategic mobility . . . global awareness that comes from space assets, and . . . theater air dominance.'' This has been made possible through a combination of highly trained service members and highly sophisticated technology.

Thanks to the Air Force, the lives of American servicemen and women in all military branches are safer than ever before during times of conflict. Military aircraft are now able to achieve many military objectives that once required ground troops, and American casualties are greatly reduced as a result. The amazing performance of the Air Force in the Persian Gulf War, which by all accounts dramatically reduced the number of American lives lost in that conflict, shows just how much we all owe our brave airmen.

In addition to its critical defense role, the Air Force has been highly active in humanitarian and relief efforts over the years. One of the most famous of these undertakings was the Berlin airlift between June 1948 and June 1949. The largest airlift/evacuation in American history occurred in 1991 when the Air Force moved 52,000 military personnel and dependents from the Philippines to the U.S. following the eruption of Mt. Pinatubo. An airlift in February of 1992 provided food and medicine to Russia in Operation Provide Hope. Operation Provide Promise, a relief effort into Sarajevo in 1992, was the longest sustained humanitarian airlift in history. The Air Force has also been involved in hundreds and hundreds of other relief missions all over the world in response to earthquakes, hurricanes, and other natural disasters.

I would like to take this opportunity to note the contributions made by Minnesotans and those men and women serving at Minnesota's Air Force bases. These airmen have made a vital contribution to the success of the Air Force over the past 53 years. I would like to thank in particular those serving at Minnesota's Air Force Reserve and Air National Guard facilities, specifically the airmen of the 934th Airlift Wing and 133rd Airlift Wing in Minneapolis and the 148th Fighter Wing in Duluth who keep our C–130s and F–16s flying. These men and women deserve our thanks for making sure that we will always be prepared to face with confidence any future threats to our nation's security.

On behalf of all Minnesotans, I thank the members of the Air Force for their selfless devotion to our nation's defense. Throughout the history of the Air Force, its members have made countless sacrifices for their country, from the financial struggles all too often faced by service members and their families, to the high price paid by those who have been wounded, taken prisoner, or killed in battle. A grateful nation will always be in their debt.

I'm sure my colleagues will join me in recognizing the rich heritage and dedicated service of the United States Air Force on its anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGES FROM THE PRESIDENT—PM 128

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 2000.*

PRESIDENT'S PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES

This report is submitted pursuant to section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the ''CDA''), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, 22 U.S.C. 6021–91 (March 12, 1996) (the ''LIBERTAD Act''), which requires that I ''submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for these payments by license. The CDA states that licenses may be issued for full or partial payment of amounts due as a result of provision of telecommunications services authorized by this subsection, but shall not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the ''CACR''), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

OFAC has issued eight (8) licenses authorizing transactions incident to the receipt of transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments from a blocked account. The licenses are AT&T Corporation (formerly, American Telephone and Telegraph Company), AT&T de Puerto Rico, IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.), MCI International, Inc. (formerly, MCI Communications Corporation), Telefonica Larga Distancia de Puerto Rico, Inc., WilTel, Inc. (Formerly, WilTel Underseas Cable, Inc.), WorldCom, Inc. (formerly, LDDS Communications, Inc.), and Sprint Communications Company, L.P. (formerly, Global One, and prior to that, Sprint Incorporated).

During the period January 1 through June 30, 2000, the licensees transferred funds to the Cuban telecommunications company Empresa de Telecommunicaciones de Cuba, S.A. (''ETECSA'') to settle current charges for its portion of jointly provided international telecommunications services. In addition, many of the licenseses transferred funds earned by ETECSA in prior periods but not transferred in those prior periods due to pending litigation (Alejandre v. the Republic of Cuba et al.). Pursuant to changes in corporate accounting practices, payments on

behalf of AT&T de Puerto Rico are now being disbursed by AT&T Corporation. The aggregated funds transferred during the period January 1 through June 30, 2000 totaled:

AT&T Corporation (formerly, American Telephone and Telegraph Company)	$17,331,979
Sprint Communications Company, L.P. (formerly Global One, Sprint Incorporated)	6,033,989
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	1,234,773
MCI International, Inc. (formerly, MCI Communications Corporation)	4,373,238
Telefonica Larga Distancia de Puerto Rico, Inc.	367,936
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	897,435
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	4,496,465
Total	34,735,815

I shall continue to report semiannually on OFAC-licensed telecommunications payments.

MESSAGE FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1113. An act to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environment infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

H.R. 1715. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

H.R. 2271. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

H.R. 2798. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages.

H.R. 2799. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 2984. An act 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.

H.R. 4096. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4643. An act to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes.

H.R. 4931. An act to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5010. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

H.R. 5193. An act to amend the National Housing Act to temporarily extend the applicability of the down payment simplification provisions for the FHA single family housing mortgage insurance program.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 4919) entitled ''An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes,'' and agree to the conference asked by the Senate on the disagreeing votes of the two Houses and appoint the following Mr. GILMAN, Mr. GOODLING, and Mr. GEJDENSON, to be the managers of the conference on the part of the House.

The message further announced that the House has agreed to the Senate amendment to the following bill, with an amendment:

H.R. 1651. An act to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The message also announced that the House has agreed to the Senate amendment to the following bill, with an amendment:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, with an amendment.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1113. An act to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Energy and Natural Resources.

H.R. 2798. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages; to the Committee on Commerce, Science, and Transportation.

H.R. 2799. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

H.R. 2984. An act 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; to the Committee on Energy and Natural Resources.

H.R. 4096. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4643. An act to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 5010. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5193. A bill to amend the National Housing Act temporarily extend the applicability of the downpayment notification provisions for the FHA single family housing mortgage insurance program; to the Committee on Banking, Housing and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2271. A bill to amend the National Trails System Act to designate El Camino

Real de Tierra Adentro as a National Historic Trail.

H.R. 4226. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4931. A bill to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

EXECUTIVE AND OTHER COMMUNICATIONS

On September 12, 2000, the following communication was laid before the Senate, together with accompanying papers, reports, and documents, which was referred as indicated:

EC–10678. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

On September 19, 2000, the following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10795. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for fiscal year 2000, 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; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Environment and Public Works; Energy and Natural Resources; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business; Veterans' Affairs; Indian Affairs; and Intelligence.

EC–10796. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Depositaries and Financial Agents of the Federal Government (31 CFR Part 202)'' (RIN1510–AA75) received on September 8, 2000; to the Committee on Finance.

EC–10797. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties (31 CFR Part 225)'' (RIN1510–AA77) received on September 8, 2000; to the Committee on Finance.

EC–10798. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payment of Federal Taxes and the Treasury Tax and Loan Program (31 CFR Part 203)'' (RIN1510–AA76) received on September 8, 2000; to the Committee on Finance.

EC–10799. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2000–46) received on September 11, 2000; to the Committee on Finance.

EC–10800. A communication from the Commissioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled ''Social Security Amendments of 2000''; to the Committee on Finance.

EC–10801. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2000–38 Distributor Commissions'' (RP–105492–00) received on September 14, 2000; to the Committee on Finance.

EC–10802. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Collateral Acceptability and Valuation'' (RIN1535–AA00) received on September 12, 2000; to the Committee on Finance.

EC–10803. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2000–37 Like–kind exchanges (''parking'' arrangements)'' (Rev. Proc. 2000–37) received on September 15, 2000; to the Committee on Finance.

EC–10804. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Toll–Free Number For The Appeals Customer Service Program'' (Announcement 2000–80, 2000–40 I.R.B.) received on September 15, 2000; to the Committee on Finance.

EC–10805. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Vessel Equipment Temporarily Landed for Repair'' (RIN1515–AC35) received on September 15, 2000; to the Committee on Finance.

EC–10806. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Endorsement of Checks Deposited by Customs'' (RIN1515–AC48) received on September 15, 2000; to the Committee on Finance.

EC–10807. A communication from the Secretary of Commerce and the Secretary of the Interior, transmitting jointly, a draft of proposed legislation entitled ''Marine Mammal Protection Act Amendments of 2000''; to the Committee on Commerce, Science, and Transportation.

EC–10808. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Las Vegas and Pecos, NM'' (MM Docket No. 00–5, RM–9752) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10809. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Arcadia, Gibsland, and Hodge, Louisiana and Wake Village, Texas'' (MM Docket No. 99–144, RM–9538, RM–9747, RM–9748) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10810. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kaycee, Basin, Wyoming)'' (MM Docket No. 98–87 RM–9278 RM–9608) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10811. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stamps and Fouke, Arkansas)'' (MM Docket No. 99–241; RM–9480) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10812. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Saranac Lake, NY)'' (MM Docket No. 99–293, RM–9720, RM–9721) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10813. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Morristown, New York)'' (MM Docket No. 99–362, RM–9730) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10814. A communication from the Associate Bureau Chief, Wireless Telecommunications, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Geographical channel block layout'' (RINDA 00–1654) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10815. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Announcement of fixed gear sablefish mop-up fishery; fishing restrictions'' received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10816. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Conditional Closures'' received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10817. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Tuna Fisheries; Closure of the Purse Seine Fishery for Bigeye Tuna'' received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10818. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon to Humbug Mountain, Oregon'' received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10819. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands'' received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10820. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands'' received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10821. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Gulf of Alaska for Hook-and-Line Gear Groundfish'' received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10822. A communication from the Associate Bureau Chief, Wireless Telecommunications Commission, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''WT Docket 99–327, 24 GHz Report and Order, Amendment of rules governing 24 GHz Service, 47 C.F.R. 1, 2, 87 and 101'' (WT Docket 99–327, FCC 00–272) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10823. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Reporting Forms Implementing FEC Rules Transmitted on June 16, 2000 and July 6, 2000'' received on September 15, 2000; to the Committee on Rules and Administration.

EC–10824. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 67 FR 53917 09/06/2000'' received on September 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10825. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance: Cerro Grande Fire Assistance 65 FR 52260 08/28/2000'' (RIN–3067–AD12) received on September 5, 2000; to the Committee on Environment and Public Works.

EC–10826. A communication from the Director of the Fish and Wildlife Service, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Santa Barbara County Distinct Population of the California Tiger Salamander as Endangered'' (RIN1018–AF81) received on September 18, 2000; to the Committee on Environment and Public Works.

EC–10827. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC–10828. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Abolishment of the St. Louis, MO, Special Wage Schedule for Printing Positions'' (RIN3206–AJ24) received on September 15, 2000; to the Committee on Governmental Affairs.

EC–10829. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report relative to the inventory of commercial activities; to the Committee on Governmental Affairs.

EC–10830. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Simplification of Certain Requirements in Patent Interface Practice'' (RIN0651–AB15) received on September 15, 2000; to the Committee on the Judiciary.

EC–10831. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, a report relative to the October 2000 Term of the Court; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Rept. No. 106–414).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 2647: A bill to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes (Rept. No. 106–415).

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. LEVIN:

S. 3064. A bill to provide for the reliquidation of certain entries of vacuum cleaners; to the Committee on Finance.

By Mr. MILLER:

S. 3065. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit for expenses of individuals receiving certain State scholarships; to the Committee on Finance.

By Mr. ASHCROFT:

S. 3066. A bill to amend titles XVIII and XIX of the Social Security Act to require criminal background checks for nursing facility workers; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. REID):

S. 3067. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. REID, Mr . LEAHY, Mr. DURBIN, Mr. GRAHAM, Mr. WELLSTONE, and Mr. KERRY):

S. 3068. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status; read the first time.

By Mr. BROWNBACK:

S. 3069. A bill to amend the Television Program Improvement Act of 1990 to restore the applicability of that Act to agreements relating to voluntary guidelines governing telecast material and to revise the agreements on guidelines covered by that Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. KOHL):

S. 3070. A bill to amend title 18, United States Code, to establish criminal penalties for distribution of defective products, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, and discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. INOUYE, Mr. KERREY, Mrs. MURRAY, Mr. REID, Mr. ROBB, and Mr. SCHUMER) (by request):

S. 3071. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. HAGEL):

S. 3072. A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 3073. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. SMITH of New Hampshire):

S.J. Res. 52. A joint resolution granting the consent of Congress to the International

Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. ENZI):

S. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding the importance of bringing transparency, accountability, and effectiveness to the World Bank and its programs and projects; to the Committee on Foreign Relations.

By Mr. LEVIN:

S. Con. Res. 137. Concurrent Resolution recognizing, appreciating, and remembering with dignity and respect the Native American men and women who have served the United States in military service; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 3066. A bill to amend titles XVIII and XIX of the Social Security Act to require criminal background checks for nursing facility workers; to the Committee on Finance.

THE SENIOR CARE SAFETY ACT OF 2000

Mr. ASHCROFT. Mr. President, I rise today to introduce the Senior Care Safety Act of 2000. This bill prohibits nursing homes and other long-term care facilities operating under the Social Security and Medicaid systems from employing individuals with a demonstrated history of violent, criminal behavior or drug dealing. To that end, it requires these nursing facilities to conduct criminal background checks on all of their prospective employees as part of the hiring process. Nursing facilities that fail to conduct a background check prior to hiring an employee are subject to a civil fine of up to $5,000. The reason for these requirements is simple: we must ensure that our most defenseless senior Americans—those in need of long-term nursing care—are attended not by people with a demonstrated history of violent, criminal behavior, but by the most qualified and trustworthy individuals available.

The Senior Care Safety Act provides nursing facilities with the tools necessary to accomplish this objective. It requires the Department of Justice to open federal databases of criminal background information to nursing homes so that they can promptly determine if prospective employees have a criminal record. The act provides that the Department of Justice provide this information without charge to the facility or the applicant. Furthermore, it ensures that those who comply with the background check requirement are insulated from liability for refusing to hire someone prohibited from working in a nursing facility by this provision. Finally, it guarantees the privacy of those individuals who are denied such employment due to a criminal record by prohibiting the use by a nursing facility of an individual's background information for any purpose other than complying with this act.

It is tragic that a bill like this is necessary. But, while the overwhelming majority of those who care for the more than 40,000 senior citizens receiving 24-hour care in my home state of Missouri, and the more than 1.5 million of such seniors nationwide are dedicated and caring individuals, there are unfortunately too many examples of those who take advantage of this position of trust. There are far too many stories of convicted violent felons who have slipped through the cracks in the hiring process and have physically or mentally abused our frailest citizens in the very institutions that their families have entrusted them for care. This bill will play an important role in ensuring that when a family entrusts their loved ones to a nursing facility, they can rest assured that those who are looking after them are not violent felons. I look forward to working with my fellow Senators to pass this important legislation in the time remaining this year.

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. 3066

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 ''Senior Care Safety Act of 2000''.

SEC. 2. CRIMINAL BACKGROUND CHECKS FOR NURSING FACILITY WORKERS.

(a) MEDICARE.—

(1) REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS.—Section 1819(d)(4) of the Social Security Act (42 U.S.C. 1395i–3(d)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) SCREENING OF WORKERS.—

''(i) IN GENERAL.—A skilled nursing facility shall not knowingly employ an individual unless the individual has passed a criminal background check conducted in accordance with the requirements of clause (ii).

''(ii) REQUIREMENTS.—

''(I) NOTIFICATION.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary, in consultation with the Attorney General, shall notify skilled nursing facilities of the requirements of this subparagraph.

''(II) SKILLED NURSING FACILITY REQUIREMENTS.—

''(aa) PROVISION OF STATEMENTS TO APPLICANTS.—Not later than 180 days after a skilled nursing facility receives a notice in accordance with subclause (I), the skilled nursing facility shall adopt and enforce the requirement that each applicant for employment at the skilled nursing facility shall complete the written statement described in subclause (III).

''(bb) TRANSMITTAL OF COMPLETED STATEMENTS.—Not later than 5 business days after a skilled nursing facility receives such completed written statement, the skilled nursing facility shall transmit such statement to the Attorney General.

''(III) STATEMENT DESCRIBED.—The written statement described in this subclause shall contain the following:

''(aa) The name, address, and date of birth appearing on a valid identification document (as defined section 1028(d)(2) of title 18, United States Code) of the applicant, a description of the identification document used, and the applicant's social security account number.

''(bb) A statement that the applicant has never been convicted of a crime of violence or of a Federal or State offense consisting of the distribution of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(cc) The date the statement is made.

''(IV) ATTORNEY GENERAL REQUIREMENTS.—

''(aa) IN GENERAL.—Upon receipt of a completed written statement from a skilled nursing facility, the Attorney General, using information available to the Department of Justice, shall notify the facility of the receipt of such statement and promptly determine whether the applicant completing the statement has ever been convicted of a crime described in subclause (III)(bb).

''(bb) NOTIFICATION OF FAILURE TO PASS.—Not later than 5 business days after the receipt of such statement, the Attorney General shall inform the skilled nursing facility transmitting the statement if the applicant completing the statement did not pass the background check. A skilled nursing facility not so informed within such period shall consider the applicant completing the statement to have passed the background check.

''(cc) NO FEE.—In no case shall a skilled nursing facility or an applicant be charged a fee in connection with the background check process conducted under this clause.

''(iii) LIMITATION ON USE OF INFORMATION.—A skilled nursing facility that obtains criminal background information about an applicant pursuant to this subparagraph may use such information only for the purpose of determining the suitability of the worker for employment.

''(iv) NO ACTION BASED ON FAILURE TO HIRE.—In any action against a skilled nursing facility based on a failure or refusal to hire an applicant, the fact that the applicant did not pass a background check conducted in accordance with this subparagraph shall be a complete defense to such action.''.

(2) PENALTIES.—Section 1819(h)(1) of the Social Security Act (42 U.S.C. 1395i–3(h)(1)) is amended—

(A) by striking the heading and inserting ''STATE AUTHORITY'';

(B) in the first sentence—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting such clauses appropriately; and

(ii) by striking ''If a State'' and inserting the following:

''(A) IN GENERAL.—If a State'';

(C) in the second sentence, by striking ''If a State'' and inserting the following:

''(C) PENALTIES FOR PRIOR FAILURES.—If a State''; and

(D) by inserting after subparagraph (A) (as added by subparagraph (B)(ii) of this paragraph) the following new subparagraph:

''(B) REQUIRED PENALTIES.—A civil money penalty of not more than $5000 shall be assessed and collected, with interest, against any facility which is or was out of compliance with the requirements of clause (i), (ii)(II), or (iii) of subsection (d)(4)(B).''.

(b) MEDICAID.—

(1) REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS.—Section 1919(d)(4) of the Social Security Act (42 U.S.C. 1396r(d)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) SCREENING OF WORKERS.—

''(i) IN GENERAL.—A nursing facility shall not knowingly employ an individual unless the individual has passed a criminal background check conducted in accordance with the requirements of clause (ii).

''(ii) REQUIREMENTS.—

''(I) NOTIFICATION.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary, in consultation with the Attorney General, shall notify nursing facilities of the requirements of this subparagraph.

''(II) NURSING FACILITY REQUIREMENTS.—

''(aa) PROVISION OF STATEMENTS TO APPLICANTS.—Not later than 180 days after a nursing facility receives a notice in accordance with subclause (I), the nursing facility shall adopt and enforce the requirement that each applicant for employment at the nursing facility shall complete the written statement described in subclause (III).

''(bb) TRANSMITTAL OF COMPLETED STATEMENTS.—Not later than 5 business days after a nursing facility receives such completed written statement, the nursing facility shall transmit such statement to the Attorney General.

''(III) STATEMENT DESCRIBED.—The written statement described in this subclause shall contain the following:

''(aa) The name, address, and date of birth appearing on a valid identification document (as defined section 1028(d)(2) of title 18, United States Code) of the applicant, a description of the identification document used, and the applicant's social security account number.

''(bb) A statement that the applicant has never been convicted of a crime of violence or of a Federal or State offense consisting of the distribution of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(cc) The date the statement is made.

''(IV) ATTORNEY GENERAL REQUIREMENTS.—

''(aa) IN GENERAL.—Upon receipt of a completed written statement from a nursing facility, the Attorney General, using information available to the Department of Justice, shall notify the facility of the receipt of such statement and promptly determine whether the applicant completing the statement has ever been convicted of a crime described in subclause (III)(bb).

''(bb) NOTIFICATION OF FAILURE TO PASS.—Not later than 5 business days after the receipt of such statement, the Attorney General shall inform the nursing facility transmitting the statement if the applicant completing the statement did not pass the background check. A nursing facility not so informed within such period shall consider the applicant completing the statement to have passed the background check.

''(cc) NO FEE.—In no case shall a nursing facility or an applicant be charged a fee in connection with the background check process conducted under this clause.

''(iii) LIMITATION ON USE OF INFORMATION.—A nursing facility that obtains criminal background information about an applicant pursuant to this subparagraph may use such information only for the purpose of determining the suitability of the worker for employment.

''(iv) NO ACTION BASED ON FAILURE TO HIRE.—In any action against a nursing facility based on a failure or refusal to hire an applicant, the fact that the applicant did not pass a background check conducted in accordance with this subparagraph shall be a complete defense to such action.''.

(2) PENALTIES.—Section 1919(h)(2)(A) of the Social Security Act (42 U.S.C. 1396r(h)(2)(A)) is amended by inserting after clause (iv) the following new clause:

''(v) A civil money penalty of not more than $5000 shall be assessed and collected, with interest, against any facility which is or was out of compliance with the requirements of clause (i), (ii)(II), or (iii) of subsection (d)(4)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 3. REPORT ON CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall conduct a study of the effects of background checks in nursing facilities and submit a report to Congress that includes the following:

(1) The success of conducting background checks on nursing facility employees.

(2) The impact of background checks on patient care in such facilities.

(3) The need to conduct background checks in other patient care settings outside of nursing facilities.

(4) Suggested methods for further improving the background check system and the estimated costs of such improvements.

(b) DEFINITION OF NURSING FACILITY.—In subsection (a), the term ''nursing facility'' has the meaning given that term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)) and includes a skilled nursing facility (as defined in section 1819(a) of such Act (42 U.S.C. 1395i–3(a))).

By Mr. JEFFORDS (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. REID):

S. 3067. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Health, Education, Labor and Pensions.

THE NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. JEFFORDS. Mr. President, I am pleased to be able to introduce today, along with Senators ENZI, KENNEDY, and REID, the Needlestick Safety and Prevention Act. This legislation will ensure that our nation's health care workers, who tend to our citizens when care is urgently needed, will no longer be risking their own health, and, perhaps, their own lives, when providing this life giving work.

Statistics paint a stark picture of the risks from accidental sharps injuries that health care workers face daily on the job, injuries that can be prevented, and, when Congress passes this legislation, will be prevented. The Centers for Disease Control and Prevention has estimated that as many as 800,000 injuries from contaminated sharps occur annually among health care workers. Due to these injuries, numerous health care workers have contracted fatal or other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C.

''Needlesticks'' refer to the broad category of injuries suffered by workers in health care settings who are exposed to sharps, including items such as disposable syringes with needles, IV catheters, lancets, and glass capillary tubes/pipettes. The true shame in these alarming statistics is that accidental needlestick injuries can be prevented. Technological advancements have led to the development of safer medical devices, such as syringes with needle guards or sheaths.

The heart of the ''Needlestick Safety and Prevention Act'' is its requirement that employers identify, evaluate, and make use of effective safer medical devices. And the legislation emphasizes training, education, and the participation of those workers exposed to sharps injuries in the evaluation and selection of safer devices. The Act also creates new record keeping requirements, a ''sharps injury log,'' to aid employers in identifying high risk areas, and in determining the types of engineering controls and devices most effective in reducing or eliminating the risk of exposure. Importantly, the legislation we introduce today will not impede, but will encourage technological development, as it does not favor the use of a specific device, but requires an employer to evaluate the effectiveness of available devices.

I urge all my colleagues to join us in supporting the ''Needlestick Safety and Prevention Act.''

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

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

S. 3067

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 ''Needlestick Safety and Prevention Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus, (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the

risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the ''RFI'') conducted by the Occupational Health and Safety Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing health care workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needleless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to bloodborne pathogens in health care facilities. More than 98 percent of health care facilities responding to the RFI have adopted surveillance systems in addition to the OSHA 200 Log. Information gathered through these surveillance systems is commonly used for hazard identification and evaluation of program and device effectiveness.

(10) Training and education in the use of safer medical devices and safer work practices are significant elements in the prevention of percutaneous exposure incidents. Staff involvement in the device selection and evaluation process is also an important element to achieving a reduction in sharps injuries, particularly as new safer devices are introduced into the work setting.

(11) Modification of the bloodborne pathogens standard is appropriate to set forth in greater detail its requirement that employers identify, evaluate, and make use of effective safer medical devices.

SEC. 3. BLOODBORNE PATHOGENS STANDARD.

The bloodborne pathogens standard published at 29 C.F.R. 1910.1030 shall be revised as follows:

(1) The definition of ''Engineering Controls'' (at 29 C.F.R. 1930.1030(b)) shall include as additional examples of controls the following: ''safer medical devices, such as sharps with engineered sharps injury protections and needleless systems''.

(2) The term ''Sharps with Engineered Sharps Injury Protections'' shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as ''a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident''.

(3) The term ''Needleless Systems'' shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as ''a device that does not use needles for (A) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established, (B) the administration of medication or fluids, or (C) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps''.

(4) In addition to the existing requirements concerning exposure control plans (29 C.F.R. 1910.1030(c)(1)(iv)), the review and update of such plans shall be required to also—

(A) ''reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens''; and

(B) ''document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure''.

(5) The following additional recordkeeping requirement shall be added to the bloodborne pathogens standard at 29 C.F.R. 1910.1030(h): ''The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum—

''(A) the type and brand of device involved in the incident,

''(B) the department or work area where the exposure incident occurred, and

''(C) an explanation of how the incident occurred.''.

The requirement for such sharps injury log shall not apply to any employer who is not required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904 and the sharps injury log shall be maintained for the period required by 29 C.F.R. 1904.6.

(6) The following new section shall be added to the bloodborne pathogens standard: ''An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.''.

SEC. 4. EFFECT OF MODIFICATIONS.

The modifications under section 3 shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

SEC. 5. PROCEDURE AND EFFECTIVE DATE.

(a) PROCEDURE.—The modifications of the bloodborne pathogens standard prescribed by section 3 shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(b) EFFECTIVE DATE.—The modifications to the bloodborne pathogens standard required by section 3 shall—

(1) within 6 months of the date of enactment of this Act, be made and published in the Federal Register by the Secretary of Labor acting through the Occupational Safety and Health Administration; and

(2) take effect on the date that is 90 days after the date of such publication.

Mr. ENZI. Mr. President, I am pleased to be part of the introduction today of S. 3067, a bipartisan bill to provide protection for our nations health care workers against accidental needlesticks and sharps injuries. I want to acknowledge and commend my colleagues Senators JEFFORDS, KENNEDY and REED in the Senate and the Honorable Mr. BALLENGER and Honorable MAJOR OWENS in the House for their work on this important safety issue.

Since the mid-1980's, injuries to health care workers from needles or other ''sharps,'' such as IV catheters or lancets, have presented an increasingly troubling issue. As the spread of bloodborne pathogens such as HIV and Hepatitis B and C has escalated over the last 15 years, so has the danger to health care workers of contracting one of these diseases through sharps contaminated with bloodborne pathogens, such as HIV and Hepatitis B and C. Even where the injured worker does not ultimately contract a bloodborne disease, the uncertainty and fear of infection created by such injuries can be excruciating and destructive to the lives of the injured health care workers.

In response to this problem, in 1991 the Occupational Safety and Health Administration, or ''OSHA,'' issued a standard requiring workplace safety measures to be used to protect against occupational exposure to bloodborne pathogens. This was a laudable step in the fight against worker infection, and its implementation brought a reduction in the risk of contracting a bloodborne disease in the workplace. The success of this measure, however, was limited by the effectiveness of the safety technology available at the time, and occupational exposure to bloodborne pathogens from accidental sharps injuries has continued to be a problem. In March 2000, the Centers for Disease Control estimated that between 600,000 and 800,000 needlesticks still occur among health care workers annually.

Fortunately, since the publication of the bloodborne pathogens standard there has been a substantial increase in the number and assortment of new

medical devices, such as needless systems and retractable needles, that protect against needlesticks. Numerous studies have shown that the use of these safer devices, as part of an overall bloodborne pathogen risk reduction program, can be extremely effective in reducing accidental sharps injuries.

The legislation we introduce today will ensure that these safer devices are used, and lives will be saved as a result. The bill provides narrowly tailored instruction to OSHA to amend its bloodborne pathogen standard to make certain that employers understand they must identify, evaluate, and, where appropriate, make use of these safer medical devices to eliminate or reduce occupational exposure to bloodborne pathogens. OSHA issued similar instructions in a compliance directive published December 1998. Because OSHA's directive is merely agency guidance and does not have the force of law, however, I felt it was important that both employers and employees be given formal regulatory instruction on this vitally important safety issue. This legislation provides this security and improves protection for employees while still allowing employers the necessary flexibility to determine the best technology to use in the particular circumstances presented. This legislation even goes a step further to ensure that employers will have valuable input from the front line employees when it makes these determinations.

This bill is an important step for safety in the workplace, and I hope it will bring some peace of mind to the more than 8 million workers who perform the vitally important service of providing health care in this country. I am extremely proud to be a part of legislation which will save lives and help stop the spread of bloodborne diseases.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Needle Stick Safety and Prevention Act. I commend Senators JEFFORDS, ENZI and REID for their effective work on this bill that is vitally important to health care professionals and all Americans who come in contact with them.

The need for needle stick protection is compelling. Last year alone, there were almost 800,000 needle stick injuries to health care professionals. Over 1,000 health care workers were infected with serious diseases, including HIV, Hepatitis B and Hepatitis C. Sadly, all of these injuries were preventable. The good news is that through the provisions of this bill, many future needle stick injuries will be prevented. In fact, the Center for Disease Prevention estimates that needle stick injuries will be reduced by as much as 88 percent.

But as is so often the case, numbers alone cannot convey the full story of human tragedy resulting from these injuries. One of my constituents, Karen Daley of Boston, is the President of the Massachusetts Nurses Association and was a registered nurse, a job she loved and found very fulfilling. In January 1999, while working in an emergency room in Boston, Karen was accidentally stuck by a contaminated needle. Six months later, she tested positive for HIV and Hepatitis C. Fortunately, Karen is in relative good health, although she will never again be able to practice her chosen profession of nursing.

The Needle Stick Safety and Prevention Act is intended to prevent tragic accidents like this. This bill requires employers to implement the use of safety-designed needles and sharps to reduce the potential transmission of disease to health care workers and patients. This bill also provides that employers establish an injury log to record the kind of devices, and the location, of all needle stick accidents.

Equally important, this bill allows non-managerial employees—those on the front lines of service delivery—to be involved in determining the appropriate devices used in health care settings.

This bill has bipartisan support in the Senate and the House. It also is supported by the American Hospital Association, the American Nurses Association, the Service Employees International Union and the American Federation of Federal, State County and Municipal Employees.

I urge all of my colleagues, on both sides of the aisle, to join us in supporting this important bill, and I am hopeful that it can be enacted into law before this session of Congress ends.

By Mrs. FEINSTEIN (for herself and Mr. KOHL):

S. 3070. A bill to amend title 18, United States Code, to establish criminal penalties for distribution of defective products, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, and discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

DEFECTIVE PRODUCT PENALTY ACT

Mrs. FEINSTEIN. Mr. President, I rise with my colleague from Wisconsin, Senator KOHL, to introduce legislation to better protect American consumers from irresponsible companies who knowingly allow defective vehicles or vehicle parts to remain on the market.

Our bill, the ''Defective Product Penalty Act,'' would significantly increase the responsibility of companies to test products for defects, to recall those products when necessary, and to report to authorities when defects are found.

Recent news stories about Firestone tires have grabbed the headlines, but this bill really addresses some longstanding and serious deficiencies within our current laws. The Firestone case has highlighted the need for these overdue proposals, and it is our hope that this legislation receives swift and serious consideration. The time has come to close some loopholes and impose some real responsibility on company executives who ignore public safety.

Let me describe specifically what this bill does:

First, this legislation will increase civil penalties for failure to recall a defective vehicle or part or withholding information from the National Highway Traffic Safety Administration (NHTSA). Current penalties are $1,000 per violation with a maximum penalty in these cases of $925,000. The Defective Product Penalty Act would increase the penalty to $10,000 per violation, and would eliminate the maximum penalty altogether. A penalty of $925,000 for a multi-billion dollar, multinational business is not even enough to cause the company to think twice about releasing or recalling a defective vehicle. We need to give the NHTSA some real teeth.

Second, this legislation will establish criminal penalties for knowingly distributing a defective vehicle or part, or for failing to recall or tell authorities about a defective product, if that defect results in death or injuries. If death results, the legislation calls for a penalty of up to 15 years in prison. If serious injury results, the legislation calls for penalties of up to 5 years.

Third, this legislation would extend the statute of limitations for NHTSA to mandate recalls, from 8 to 10 years for vehicles, and from 3 to 5 years for tires.

Fourth, the bill would require companies to actually test vehicle products before self-certifying that the product is in compliance with NHTSA standards.

Next, the legislation clarifies federal law to make it clear that in cases involving vehicle products sold in the U.S., a company must send the NHTSA copies of all notices sent to dealers and owners, even if the notices are sent only to owners and dealers in foreign countries.

Finally, this legislation includes provisions from Senator KOHL's ''Sunshine in Litigation Act'' (S. 957), to:

Prohibit federal courts from issuing protective orders that prohibit individuals from disclosing potential defects or dangers to regulatory agencies; and

Prohibit federal courts from enforcing secrecy agreements without first balancing the need for privacy against the public's need to know about potential health and safety hazards. In other words, no longer can a company put other consumers at risk by forcing a plaintiff to keep quiet about a potential threat to public safety.

Mr. President, this legislation will send a clear signal to irresponsible companies and individuals who intentionally put the public at risk from defective products—you will now be held

responsible for your actions. I urge my colleagues to join us in this effort.

Mr. KOHL. Mr. President, I rise today to join my colleague Senator FEINSTEIN in introducing the Defective Product Penalty Act of 2000.

As the Firestone/Bridgestone tire controversy sadly demonstrates, current consumer protection laws do not provide sufficient incentive for some manufacturers to put the health and safety of consumers at the forefront of their business decisions. Although most of us would find it very difficult to believe that a company knowingly introduced a defective product into the marketplace, or failed to recall one once a defect was discovered, the families of the Firestone/Bridgestone casualties do not need to be reminded that it does happen. Most companies are responsible corporate citizens, of course—and for them this legislation will not affect their behavior—but for the others who need to be ''incentivized'' to make consumer health and safety a foremost priority, the Defective Product Penalty Act (''DPPA'') should serve as sufficient notice.

Specifically, the DPPA creates tough criminal penalties for those who knowingly introduce defective products into the stream of commerce with the realization that the product may cause death or bodily harm to an unsuspecting consumer. Risking the lives of millions of Americans because a cost-benefit analysis suggests that profits earned from a product outweigh the potential costs of liability is not only wrong, but also criminal. And it should be treated as such. Indeed, Mr. President, whenever a company adheres to the bottom line instead of respecting the health and safety of their consumers, they deserve severe, immediate, and strict punishment.

This bill also incorporates S. 957, the Sunshine in Litigation Act. This part of the bill ensures that consumers are better informed about product defects that may affect consumer health and safety. All too often our Federal courts allow vital information that is discovered in litigation—and which bears directly upon public health and safety—to be covered up, to be shielded from mothers, fathers and children whose lives are potentially at stake, and from the public officials we have asked to protect our public health and safety.

All this happens because of the use of so-called ''protective orders''—really gag orders issued by courts—that are designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will fight every document requested and will refuse to agree to a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not—because both sides have agreed.

The problem of excessive secrecy orders in cases involving public health and safety has been apparent for many years. The Judiciary Committee first held hearings on this issue in 1990 and again in 1994. In 1990, Arthur Bryant, the executive director of the Trial Lawyers for Public Justice, told us, ''The one thing we learned . . . is that this problem is far more egregious than we ever imagined. It goes the length and depth of this country, and the frank truth is that much of civil litigation in this country is taking place in secret.''

The Defective Product Penalty Act will go a long way to ensuring that the health and safety of consumers will receive the consideration it deserves in the boardrooms and courtrooms across our country. I urge my colleagues to support it.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. INOUYE, Mr. KERREY, Mrs. MURRAY, Mr. REID, Mr. ROBB, and Mr. SCHUMER) (by request):

S. 3071. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

FEDERAL JUDGESHIP ACT OF 200

Mr. HATCH. Mr. President, today, at the request of the Judicial Conference of the United States, Senator LEAHY and I are introducing the Federal Judgeship Act of 2000. This legislation was drafted by the Judicial Conference and is based upon the recently completed biennial survey of judgeship needs conducted by the Judicial Conference, which analyzed caseload statistics for each federal district court and circuit court of appeals. The legislation sets forth the Judicial Conference's recommendation that the Congress create 63 new federal judgeships throughout the country—10 new circuit court judgeships and 53 new district court judgeships.

Perhaps the federalism decisions that have marked the tenure of the Rehnquist Court ultimately will serve to check the expansion of federal jurisdiction and the caseload burdens and need for new judges that necessarily follow such expansion. Presently, however, many of our judges—especially those in the border states of Texas, New Mexico, Arizona and California—are overburdened by heavy caseloads. Caseload statistics compiled by the Judicial Conference have convinced me of the need for a debate about new judgeships. In this debate, we must ask ourselves: How large do we really want our federal judiciary to be?

It should be noted that over the past 22 years, the judiciary has grown substantially. Currently, there are 848 judgeships created pursuant to article III of the Constitution. By contrast, just 23 years ago, there were only 509 Article III judgeships. this growth in the size of the federal judiciary—a 67 percent increase—has outpaced growth in the size of the United States. During the same period, the population of the United States has grown by just 24 percent, from 220 million to 275 million.

Given that there are only a few weeks remaining in this Congress, it is going to be difficult to achieve consensus on a comprehensive judgeship bill. Nevertheless, it is important that the views of the Judicial Conference on the issue of judgeship be brought to the attention of the Congress and given the appropriate level of consideration. Still, it is possible that consensus may be reached on legislation authorizing new judgeships. I know that many of my colleagues share my concerns about the expansion of the federal judiciary. It is my judgment, however, that the Judicial Conference's recommendation that additional judgeships be created be brought to the attention of the Congress. I look forward to a dialogue with my colleagues on this issue.

Mr. LEAHY. Mr. President, today Senator HATCH and I are introducing the Federal Judgeship Act of 2000. I am pleased that Senators FEINSTEIN, SCHUMER, BOXER, GRAHAM, REID, ROBB, INOUYE, EDWARDS, MURRAY, BINGAMAN, BAYH, KERREY, and DOMENICI are joining us as original cosponsors of this measure.

Our bill creates 70 judgeships across the country to address the workload needs of the federal judiciary. This bill incorporates the recommendations for additional judgeships most recently forwarded to us by the Judiciary Conference of the United States. Specifically, our legislation would create 6 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeal; 30 additional permanent judgeships and 23 temporary judgeships for the U.S. District Courts; and convert 7 existing temporary district judgeships into permanent positions.

The Judicial Conference of the United States is the nonpartisan policy-making arm of the judicial branch. Federal judges across the nation believe that the increasingly heavy caseloads of our courts necessitate these additional judges. The Chief Justice of the United States in his annual year-end reports over the last several years has commented on the serious problems facing our federal courts having too much work and too few judges and other resources.

The Judicial Conference and Chief Justice Rehnquist are right. According

to his 1999 year-end report, the filings in our federal courts have reached record heights. In fact, the numbers of criminal cases and defendants have reached their highest levels since the Prohibition Amendment was repealed in 1933. In 1999, overall growth in appellate court caseload included a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

District court activity was characterized by an increase in criminal filings and a smaller increase in civil filings. Criminal case filings rose 4 percent from 57,691 in 1998 to 59,923 in 1999, and the number of defendants grew 2 percent from 79,008 to 80,822. Criminal case filings per authorized judgeship went up almost 5 percent. Since the last significant expansion of the federal judiciary in 1990, felony criminal case filings have increased almost 50 percent, from 31,727 in 1990 to 46,789 in 1999.

Despite these dramatic increases in case filings, Congress has failed to authorize new judgeships since 1990, thus endangering the administration of justice in our nation's federal courts. Without the extraordinary contributes of our senior judges, the administration of justice could well have broken down entirely.

Over the last several decades, a 6-year cycle for reviewing the needs of the judiciary and authorizing additional judgeships had been followed by Democrats and Republicans alike. For example, in 1978, Congress passed legislation to address the need for additional judgeships. Six years later, in 1984, Congress passed legislation creating additional judgeships. Then, again six years later, in 1990, Democratic majorities in both Houses of Congress fulfilled their constitutional responsibilities and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes. At that time President Bush was in the middle of his first term in office.

That type of bipartisan effort broke down in 1996. It has now been 10 years since Congress made a systematic evaluation of the needs of the federal judiciary and acted to meet those needs. For each of the last two Congresses, the Republican majority has resisted any such action. Three years ago, the Judicial Conference requested an additional 55 judgeships to address the growing backlog. I introduced the Federal Judgeship Act of 1997, S. 678, legislation based on the Judicial Conference's 1997 recommendations. That legislation languished in the Judicial Committee without action during both sessions of the last Congress. Again last year, the Judicial Conference updated its request and recommended an additional 72 judgeships. I, again, introduced those recommendations in the Federal Judgeship Act of 1999, S. 1145. There was no action on it by the Judiciary Committee.

This year, the Judiciary Conference took the unusual step of updating last year's recommendations yet again. Those updated recommendations affect 70 judgeships. Today may signal a turning point in our efforts. Today Republicans are joining with us. I welcome them to this effort and look forward to working with them to pass the Federal Judgeship Act of 2000.

Included within our bill are the additional judgeships that would be authorized by S. 2730, the Southwest Border Judgeship Act of 2000. Senator FEINSTEIN has been tenacious in seeking the resources needed the federal courts of our southwest border States, including southern California. She is right. Those 13 judgeships for California, Arizona, New Mexico and Texas are included in our bill.

Implicit in our legislation is acknowledgment that the federal judiciary does not just have 64 current vacancies with 9 of the horizon, but that even if all those vacancies were filled, the federal judiciary would remain 70 judges short of those it needed to manage its workload, try the cases and provide the individual attention to matters that have set a high standard for the administration of justice in our federal system. In other words, considering vacancies and taking into account the judgeships authorized by our bill, the federal judiciary is today in need of more than 130 more judges.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds.

Let us act to ensure that justice in our federal courts is not delayed or denied for anyone. I urge the Senate to do in this last month of this Congress what the Republican majority has so strenuously resisted for the last four years: Enact the Federal Judgeship Act without further delay.

Mr. GRAMS (for himself and Mr. HAGEL):

S. 3072. A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on Foreign Relations.

SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT

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

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

S. 3072

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 ''Support for Overseas Cooperative Development Act''.

SEC. 2. FINDINGS

The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

SEC. 3. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(1) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(2) self-help mobilization of member savings and equity, retention of profits in the community, except those programs that are dependent on donor financing;

(3) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(4) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(5) utilization of technical assistance and training to better serve the member-owners.

(b) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: ''In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

''(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

''(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

''(3) INFRASTRUCTURE.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

''(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.''.

SEC. 4. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by section 3 of this Act.

By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 3073. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the Medicare Program, the Medicaid Program, and the Maternal and Child Health Program; to the Committee on Finance.

THE MEDICARE, MEDICAID AND MCH SMOKING CESSATION SERVICES ACT OF 2000

Mr. DURBIN. Mr President, I rise today to introduce legislation that expands treatment to millions of Americans suffering from a deadly addiction: tobacco. I am pleased to have Senator BROWNBACK join me in this effort. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2000 will help make smoking cessation therapy accessible to recipients of Medicare, Medicaid, and the Maternal and Child Health Program.

We have long known that cigarette smoking is the largest preventable cause of death, accounting for 20 percent of all deaths in this country. It is well documented that smoking causes virtually all cases of lung cancer and a substantial portion of coronary heart disease, peripheral vascular disease, chronic obstructive lung disease, and cancers of other sites. And the harmful effects of smoking do not end with the smoker. Women who use tobacco during pregnancy are more likely to have adverse birth outcomes, including babies with low birth weight, which is linked with an increased risk of infant death and a variety of infant health disorders.

Still, despite enormous health risks, 48 million adults in the United States smoke cigarettes—approximately 22.7 percent of American adults. The rates are higher for our youth—36.4 percent report daily smoking. In Illinois, the adult smoking rate is about 24.2 percent. And perhaps most distressing and surprising, data indicate that about 13 percent of mothers in the United States smoke during pregnancy.

We have also learned the hard way that in addition to the heavy health toll of tobacco, the economic costs of smoking are also high. The total cost of smoking in 1993 in the U.S. was about $102 billion, with over $50 billion in health care expenditures directly linked to smoking. The Centers for Disease Control and Prevention (CDC) reports that approximately 43 percent of these costs were paid by government funds, primarily Medicaid and Medicare. Smoking costs Medicaid alone more than $12.9 billion per year. According to the Chicago chapter of the American Lung Association, my state of Illinois spends $2.9 billion each year in public and private funds to combat smoking-related diseases.

Today, however, we also know how to help smokers quit. Advancements in treating tobacco use and nicotine addiction have helped millions kick the habit. While more than 40 million adults continue to smoke, nearly as many persons are former smokers living longer, healthier lives. In large part, this is because new tools are available. Effective pharmacotherapy and counseling regimens have been tested and proven effective. The just-released Surgeon General's Report, Reducing Tobacco Use, concluded that ''pharmacologic treatment of nicotine addiction, combined with behavioral support, will enable 10 to 25 percent of users to remain abstinent at one year of posttreatment.''

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Creating a new nonsmoker reduces anticipated medical costs associated with acute myocardial infarction and stroke by $47 in the first year and by $853 during the next seven years in 1995 dollars. And within four to five years after tobacco cessation, quitters use fewer health care services than continued smokers. In fact, in one study the cost savings from reduced use paid for a moderately priced effective smoking cessation intervention in a matter of three to four years.

The health benefits tobacco quitters enjoy are undisputed. They are living longer. After 15 years, the risk of premature death for ex-smokers returns to nearly the level of persons who have never smoked. Male smokers who quit between age 35 and 39 add an average of five years to their lives; women can add three years. Even older Americans over age 65 can extend their life expectancy by giving up cigarettes.

Former smokers are also healthier. They are less likely to die of chronic lung diseases. After ten smoke-free years, their risk of lung cancer drops to as much as one-half that of those who continue to smoke. After five to fifteen years the risk of stroke and heart disease for ex-smokers returns to the level of those who have never smoked. They have fewer days of illness, reduced rates of bronchitis and pneumonia, and fewer health complaints.

New Public Health Service Guidelines released this summer conclude that tobacco dependence treatments are both clinically effective and cost-effective relative to other medical and disease prevention interventions. The guideline urges health care insurers and purchasers to include the counseling and FDA-approved pharmacotherapeutic treatments as a covered benefit.

Unfortunately, the Federal Government, a major purchaser of health care through Medicare and Medicaid, does not currently adhere to its own published guidelines. It is high-time that government-sponsored health programs catch up with science. As a result, I am introducing, along with my colleague Senator BROWNBACK, legislation to improve smoking cessation benefits in government-sponsored health programs.

The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2000 improves access to and coverage of smoking cessation treatment therapies in four primary ways.

Our bill adds a smoking cessation counseling benefit to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next twenty years. In a study of adults 65 years of age or older who received advice to quit, behavioral counseling and pharmocotherapy, 24.8 percent reported having stopped smoking six months following the intervention. The total economic benefits of quitting after age 65 are notable. Due to a reduction in the risk of lung cancer, coronary heart disease and emphysema, studies have found that heavy smokers over age 65 who quit can avoid up to $4,592 in lifelong illness-related costs.

Our measure provides coverage for both prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current Federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Ironically, State Medicaid programs are required to cover Viagra, but not to treat tobacco addiction. Despite the fact that the States are now receiving the full benefit of their federal lawsuit against the tobacco industry, less than half the States provide coverage for smoking cessation in their Medicaid program.

On average, states spend approximately 14.4 percent of their Medicaid budgets on medical care related to smoking.

Our legislation clarifies that the maternity benefit for pregnant women in Medicaid covers smoking cessation counseling and services. Smoking during pregnancy causes about 5–6 percent of perinatal deaths, 17–26 percent of low-birth-weight births, and 7–10 percent of preterm deliveries, and increases the risk of miscarriage and fetal growth retardation. It may also increase the risk of sudden infant death syndrome (SIDS). The Surgeon General recommends that pregnant women and parents with children living at home be counseled on the potentially harmful effects of smoking on fetal and child health. A new study shows that, over seven years, reducing smoking prevalence by just one percentage point would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Our bill ensures that the Maternal and Child Health (MCH) Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services. In addition to the well-documented benefits of smoking cessation for maternity care, the Surgeon General's report adds, ''Tobacco use is a pediatric concern. In the United States, more than 6,000 children and adolescents try their first cigarette each day. More than 3,000 children and adolescents become daily smokers each day, resulting in approximately 1.23 million new smokers under the age of 18 each year.'' The goal of the MCH program is to improve the health of all mothers and children. This goal cannot be reached without addressing the tobacco epidemic.

I hope my colleagues will join me not only in cosponsoring this legislation but also in working with me to see that its provisions are adopted before the year is out. As the Surgeon General states in his report: ''Although our knowledge about tobacco control remains imperfect, we know more than enough to act now.''

Mr. GREGG (for himself and Mr. SMITH of New Hampshire):

S.J. Res. 52. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. GREGG. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 52

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 922

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1351

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of 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.

S. 1538

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1538, a bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes.

S. 1608

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor 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.

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1805, supra.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Alaska (Mr. STEVENS) 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. 2505

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2505, a bill to amend title X VIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2686

At the request of Mr. CONCRAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2802

At the request of Mr. WELLSTONE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2802, a bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions.

S. 2868

At the request of Mr. FRIST, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2936

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 2957

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2957, a bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program.

S. 2986

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of 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.

S. 3017

At the request of Mr. ROTH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of 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.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3054

At the request of Mr. LUGAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3054, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children.

S. 3055

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3055, a bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program.

S. CON. RES. 135

At the request of Mr. JEFFORDS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Con. Res. 135, a concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 339

At the request of Mr. ABRAHAM, his name was added as a cosponsor of S. Res. 339, supra.

At the request of Mr. REID, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Georgia (Mr. CLELAND), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Georgia (Mr. MILLER), the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

SENATE CONCURRENT RESOLUTION 136—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF BRINGING TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS TO THE WORLD BANK AND ITS PROGRAMS AND PROJECTS

Mr. CRAPO (for himself and Mr. ENZI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 136

Whereas the United States is the single largest shareholder of the International Bank for Reconstruction and Development and the International Development Association (in this concurrent resolution referred to as the ''World Bank'');

Whereas recent reports by the General Accounting Office and others raise serious questions about management at the World Bank, corruption involving World Bank programs and projects, and the lack of effectiveness of World Bank programs and projects;

Whereas the estimated failure rate of World Bank programs and projects based on the World Bank's data is greater than 50 percent, as determined at the time of the final loan disbursement, and the estimated failure rate rises to 65 to 70 percent in the most impoverished nations;

Whereas the United States has an obligation to the American people to ensure that the hard-earned dollars they pay in taxes to the Federal Government are, when made available to the World Bank, being spent efficiently and as they were intended to be spent;

Whereas the United States has a duty to ensure that the policies and practices of the World Bank are consistent with the laws and objectives of the United States; and

Whereas the World Bank will continue to seek financial contributions from the United States to fund its programs and projects: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON INDEPENDENT PERFORMANCE AUDITS AND EVALUATIONS OF WORLD BANK PROGRAMS AND PROJECTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the World Bank should publicly commit to execute within one year performance audits and a complete performance evaluation of the effectiveness of its programs and projects by independent private sector firms;

(2) the individual program and project audits and the complete performance evaluation conducted by the World Bank should be published and meet the requirements of subsection (b);

(3) the audits and complete performance evaluation of the programs and projects, together with the General Accounting Office review of these audits and evaluations, would help bring necessary transparency, accountability, and effectiveness to the World Bank and its programs and projects; and

(4) the health and well-being of people around the world would be aided by the World Bank's efforts to ensure that its resources are properly and appropriately directed to those truly in need.

(b) REQUIREMENTS.—The requirements referred to in subsection (a)(2) are the following:

(1) One-third of the number of the World Bank's programs and projects should be audited at the location of the program or project between four and six years after the final disbursement of World Bank funds with respect to those programs and projects.

(2) Audited programs and projects should be representative, by sector and recipient country, of the World Bank's programs and projects.

(3) Results of the individual program and project audits should be compiled into a complete performance evaluation that examines whether the funds loaned by the World Bank are used in a manner that complies with the conditions of the loans and analyzes the direct and indirect costs and benefits of each program or project audited.

(4) The individual program and project audits and the complete performance evaluation of programs and projects should be performed every 3 years and should examine those programs and projects that have been completed since the submission of the last evaluation.

(5) Not later than six months after the date of completion of the complete performance evaluation, the General Accounting Office should have complete and unfettered access to the auditors, the individual program and project audits, and the complete performance evaluation and should review and report to Congress on the results and methodologies of the audits and the evaluation, the independence and competence of the auditors, and the appropriateness, thoroughness, and quality of the audit and evaluation procedures.

Mr. CRAPO. Mr. President, I rise today to introduce a resolution that expresses Congress' views on the importance of bringing transparency, accountability, and effectiveness to the World Bank. A necessary step towards achieving these worthwhile objectives is getting the World Bank to carefully and properly examine current programs and projects. The resolution I am introducing today calls for the World Bank to commit to independent performance audits and evaluations of its programs and projects. It outlines some of the steps the World Bank must take to begin a much-needed overhaul.

I share the objectives of the World Bank in reducing poverty in developing countries and bolstering their economies. The World Bank seeks a ''World Free of Poverty,'' and we can all recognize this as a good aim. We live in a global society and all have a role in improving the health and well-being of people living in all parts of the world.

With this said, I fear that the U.S. is sending its taxpayers' hard-earned dollars to the World Bank with little to show for it. Collectively, U.S. taxpayers represent the single largest contributor of financial resources to the World Bank. Recent reports by the General Accounting Office, the congressionally-mandated and bipartisan International Financial Institution Advisory Commission as well as the testimony of experts testifying before a hearing I held this summer in the Senate Banking Subcommittee on International Trade and Finance, all agree on one thing—we can't even tell with a reasonable level of certainty that funds the World Bank spends on its programs and projects are spent efficiently and as intended to be spent.

Additionally, right now Congress is being asked to pony up money for bilateral debt relief to the Highly Indebted Poor Countries (HIPC) and as a contribution to the HIPC Initiative for mulilateral debt relief to these poor countries. This allows the multilateral financial institutions to forgive debts and make debt service payments that they are owed by the HIPCs. In part, HIPC Trust Fund monies are used to reimburse the World Bank for debt relief it provides to the HIPCs. We don't want to be sending good money after bad. We don't want to support failed lending and program practices of any international institutions because that would be money wasted. If Congress is to continue supporting the HIPC Initiative, we need to send a message that we want change.

This is why it is essential that Congress take a stand for our taxpayers who contribute so much money and a stand for the people around the globe who the Bank's programs and projects are designed to benefit.

Adopting this resolution makes this statement. It asks the World Bank to carefully examine its current activities and the way it conducts business. The resolution calls for the World Bank to publicly commit to having an independent third party with no vested interest in the outcome, conduct a thorough review of the Bank's programs and projects through performance audits and a complete performance evaluation that is made public.

A complete and open examination of the Bank's practices, its successes and failures, is a win-win for everyone. It's a win for the Bank who will know whether its programs are best targeted to achieve its mission of 'A World Free of Poverty,'' a win for member countries who will know whether their monies are being spent as intended, and most importantly, a win for people worldwide whose health and well-being the Bank strives to improve.

I hope my colleagues will join me in supporting this measure.

SENATE CONCURRENT RESOLUTION 137—RECOGNIZING, APPRECIATING, AND REMEMBERING WITH DIGNITY AND RESPECT THE NATIVE AMERICAN MEN AND WOMEN WHO HAVE SERVED THE UNITED STATES IN MILITARY SERVICE

Mr. LEVIN submitted the following concurrent resolution; which was referred to the Committee on Indian Affairs:

S. CON. RES. 137

Whereas it is necessary to recognize, appreciate, assist, and remember the Native American men and women who have served the United States in military service;

Whereas Native American men and women have served the United States armed forces in every military campaign since the American Revolutionary War;

Whereas some tribes, notably the Ottawa Nation, sent a special company of warriors to serve in the Civil War with the Michigan Sharpshooters and the Ottawa Warriors of Company K were highly decorated for their brave actions in that military action;

Whereas some tribes, notably the Ottawa Nation, sent their finest warriors to serve in the Spanish American War and one of their warriors distinguished himself in the calvary with Teddy Roosevelt on San Juan Hill;

Whereas some tribes, notably Ottawa, Chippewa, and Potawatomi answered the warrior call from within and served in great numbers in World War I even though they were not accepted as citizens of this country at that time;

Whereas the Navajo Code Talkers as well as other tribes, including the Ottawa and Chippewa, used their sacred languages to assist our country in World War II;

Whereas these sacred languages were also used to assist the United States efforts in the Korean war and the Vietnam conflict during which Native American veterans distinguished themselves with their bravery;

Whereas Native American veterans served in operations Desert Storm and Desert Shield; and

Whereas Native Americans have served in the United States military in numbers that far exceed their representation in the United States population: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes, appreciates, and remembers with dignity and respect the service to the United States of Native American veterans.

Mr. LEVIN. Mr. President, today I am pleased to submit a concurrent resolution along with Representative BART STUPAK which recognizes the Native American men and women who have served in the United States military.

This resolution recognizes the contributions of Native Americans in the United States Military service which are indeed impressive. Native Americans have served in the United States military since the American Revolution. During the Civil War, there were 3 Confederate units and 1 Union unit primarily made up of Native Americans from the Oklahoma tribes. Many Native Americans fought in the Spanish American War. In fact, one warrior from Michigan, Jonas Shawandase, fought bravely with Teddy Roosevelt on San Juan Hill.

In World War I, many Native Americans were so eager to join that they went to Canada to enlist before the United States entered the war. 6,000 of the more than 8,000 who served during this war were volunteers. This tremendous act of patriotism persuaded Congress to pass the Indian Citizenship Act in 1924. During World War II, 25,000 Native American men and women fought on all fronts in Europe and Asia, receiving more than 71 Air Medals, 51 Silver Stars, 47 Bronze Stars, 34 Distinguished Flying Crosses and two Congressional Medals of Honor. In fact Ira Hayes, a Pima Indian, was one of the men to raise the flag on Iwo Jima.

In the Vietnam War more than 41,500 Native Americans served in the United States Armed Forces. Of those, 90% were volunteers, giving Native Americans the highest record of service of any ethnic group in the country. In 1990, prior to Operation Desert Storm, some 24,000 Native American men and women were in the military. Approximately 3,000 served in the Persian Gulf. One of every four Native American males is a military veteran.

Native Americans in Michigan have told me that veterans are greatly respected in Native American societies and this honor is nowhere more apparent than at powwows. At a powwow celebration, the veterans are given the honor of carrying the flag and are the first to enter the powwow circle.

This resolution recognizes those Native Americans who with dignity

served in the U.S. military. We note today their service to this country and honor Native Americans for their military contributions.

AMENDMENTS SUBMITTED

STEM CELL RESEARCH ACT OF 2000

BROWNBACK AMENDMENTS NOS. 4140–4153

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mr. BROWNBACK submitted fourteen amendments intended to be proposed by him to the bill, H.R. 2015, to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

AMENDMENT NO. 4140

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.

(a) DEFINITIONS.—In this section:

(1) GAMETE.—The term ''gamete'' means a haploid germ cell that is an egg or a sperm.

(2) SOMATIC CELL.—The term ''somatic cell'' means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) PROHIBITION.—It shall be unlawful for any person to knowingly attempt to create a human/animal hybrid by—

(1) combining a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) SANCTIONS.—

(1) IN GENERAL.—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) CIVIL PENALTIES.—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

AMENDMENT NO. 4141

On page 1, line 4, strike ''This''.

AMENDMENT NO. 4142

On page 1, line 4, strike ''Act''.

AMENDMENT NO. 4143

On page 1, line 4, strike ''may''.

AMENDMENT NO. 4144

On page 1, line 4, strike ''be''.

AMENDMENT NO. 4145

On page 1, line 4, strike ''cited''.

AMENDMENT NO. 4146

On page 1, line 4, strike ''as''.

AMENDMENT NO. 4147

On page 1, line 4, strike ''the''.

AMENDMENT NO. 4148

On page 1, line 4, strike ''Stem''.

AMENDMENT NO. 4149

On page 1, line 4, strike ''Cell''.

AMENDMENT NO. 4150

On page 1, line 4, strike ''Research''.

AMENDMENT NO. 4151

On page 1, line 5, strike ''Act''.

AMENDMENT NO. 4152

On page 1, line 5, strike ''of''.

AMENDMENT NO. 4153

On page 1, line 5, strike ''2000''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on September 20, 2000 in SR–328A at 9:00 a.m. The purpose of this hearing will be to review how our food safety system should address microbial contamination.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing scheduled for Wednesday, September 20, 2000, at 10:00 a.m. before the Committee on Energy and Natural Resources has been rescheduled for Tuesday, September 26, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the current outlook for supply of heating and transportation fuels this winter.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse (202) 224–4756.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 20, 2000 at 2:00 p.m. in room 485 of the Russell Senate Building to conduct a business meeting to markup S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 1840, the California Indian Land Transfer Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2665, To establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; S. 2580, the Indian School Construction Act; and S. 3031, technical amendments.

SUBCOMMITTEE ON FORESTRY, CONSERVATION AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on September 21, 2000 in SR–328A at 3:00 p.m. The purpose of this hearing will be to review the Trade Injury Compensation Act of 2000.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 26, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

S. 3039, a bill to authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, and for other purposes, has been added to the agenda.

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 Mike Menge at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 19, 2000, at 9:30 a.m., in open session to receive testimony on U.S. policy toward Iraq.

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

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 19, 2000 to mark up H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000 and H.R. 2868, the Tariff Suspension and Trade Act of 2000.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 19, 2000, at 9:30 a.m. for a hearing to consider the nomination of George Omas to be a Commissioner of the Postal Rate Commission.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ALLARD. 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 Tuesday, September 19, 2000, at 10:00 a.m. for a hearing on ''The State of Foreign Language Capabilities in the Federal Government—Part II''.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 19 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on H.R. 3577, a bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, a bill to authorize the Secretary of the Interior to enter into contracts 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; S. 2942, a bill to extend the deadline for commencement of construction of certain hydroelectric project in the State of West Virginia; S. 2951, a bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River; and S. 3022, a bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Mampa and Meridian Irrigation District.

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

PRIVILEGES OF THE FLOOR

Mr. CLELAND. On behalf of Senator FEINSTEIN, I ask unanimous consent Howard Krawitz, a legislative fellow in her office, be granted the privilege of the floor during consideration of H.R. 4444 and any votes thereon.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Marianne Clark of my staff be permitted floor privileges during the pendency of this bill.

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

MEASURE READ FOR THE FIRST TIME—S. 3068

Mr. WELLSTONE. Mr. President, I understand S. 3068 introduced earlier today by Senator KENNEDY and others is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3068) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

Mr. WELLSTONE. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

MEASURE READ THE FIRST TIME—H.R. 5173

Mr. BENNETT. Mr. President, I understand that H.R. 5173 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5173) to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

Mr. BENNETT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 20, 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, September 20. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator GRAMM of Texas for 30 minutes, Senator GRAHAM of Florida for 10 minutes, Senator SESSIONS for 30 minutes, Senator DORGAN for 20 minutes, and Senator DURBIN for 30 minutes.

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

PROGRAM

Mr. BENNETT. When the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on the conference report to accompany the legislative branch appropriations bill. Under the previous order, there are approximately 4 hours remaining for debate. Therefore, I expect that the vote will occur at 3:30 p.m. tomorrow on adoption of the conference report to accompany H.R. 4516.

Following the 3:30 p.m. vote, it is hoped that the Senate can begin consideration of the Water Resources Development Act under a consent agreement. Therefore, Senators can expect votes throughout tomorrow afternoon's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. 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 5:48 p.m., adjourned until Wednesday, September 20, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2000:

DEPARTMENT OF VETERANS AFFAIRS

EDWARD FRANCIS MEAGHER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION TECHNOLOGY), VICE DAVID E. LEWIS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. CHARLES D. WURSTER, 0000
CAPT. THOMAS H. GILMOUR, 0000
CAPT. ROBERT F. DUNCAN, 0000
CAPT. RICHARD E. BENNIS, 0000
CAPT. JEFFREY J. HATHAWAY, 0000
CAPT. KEVIN J. ELDRIDGE, 0000

HOUSE OF REPRESENTATIVES—*Tuesday, September 19, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 2000.

I hereby appoint the Honorable PAUL RYAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;'

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus; and

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 940. An act to designate the Lackawanna Valley National Heritage Area, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2247. An act to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

The message also announced that pursuant to Public Law 106–181, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the National Commission to Ensure Consumer Information and Choice in the Airline Industry:

Ann B. Mitchell, of Mississippi.
Joyce Rogge, of New York.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall continue beyond 9:50 a.m.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Senator DANIEL PATRICK MOYNIHAN. On behalf of my colleagues, JIMMY WALSH and other Members of the New York delegation, I welcome Mrs. Moynihan, Elizabeth Moynihan, who is with us in the gallery, and Senator MOYNIHAN.

He is one of our truly inspiring legislators. He has been a scholar, a legislator, an ambassador, a cabinet officer, a presidential adviser in four administrations, a witness, a teacher, a writer, and one of the best Senators ever to grace the Halls of this institution.

He is unmatched in his ability to craft innovative solutions to society's most pressing problems, from welfare to Social Security, to transportation, to taxes. His legislative stamp is everywhere. Known as, and I quote the Almanac of American Politics, ''the Nation's best thinker among politicians since Lincoln, and its best politician among thinkers since Jefferson,'' Senator MOYNIHAN has moved people through the power of his ideas. He is a unique figure in public life, a man of pure intellect who is unafraid of speaking inconvenient truths.

Senator MOYNIHAN's life exemplifies the American dream. He grew up in a slum known as Hell's Kitchen. Abandoned by his father, his mother became the sole supporter of the family during the Depression. Small wonder that Senator MOYNIHAN grew up to be a strong voice on welfare issues.

He recognized the danger of fostering a culture of dependency while understanding the importance of maintaining a strong safety net. He has proved to be one of the most accurate prophets of our era. Time after time, he has correctly predicted future consequences, even though many refused to believe him when his prediction ran counter to conventional wisdom.

In the 1960s, he expressed concern about the disintegration of the African American family. In the 1980s, he predicted the coming collapse of the Soviet Union. In the 1990's, he expressed concern about the tendency of our society to define deviancy down. Antisocial behavior, he warns, is tolerated at our peril.

For New Yorkers, Senator MOYNIHAN has always been one of our homegrown heroes, our proud gift to the Nation. Despite his reputation for attention to the more scholarly pursuits, he authored 18 books. Senator MOYNIHAN has never forgotten those of us who elected him. He is a hero to landmark preservationists for his effort to preserve the Custom House and the Farley Post Office, the new train station on the Farley site he helped plan and is continuing to fund, but it does not have a name yet. I believe it should be named for DANIEL PATRICK MOYNIHAN.

When the Coast Guard left Governors Island, he persuaded President Clinton to agree to give the island to New York for a dollar. I am hopeful that in the last days of this Congress, we will be able to make that pledge a reality.

As ambassador to the United Nations, he denounced the resolution equating Zionism with racism. Seventeen years later, the U.N. reversed itself, revoking this shameful resolution. Senator MOYNIHAN was a prime mover behind ISTEA, which changed the way highway and transportation funds are distributed. He is widely credited with shifting transportation priorities and making it possible for us to invest in alternatives like high speed rail. As a member of the Senate Finance Committee, he has been a guardian of Social Security; and most recently, he has focused his attention on the importance of opening up government filings and reducing secrecy in government.

I was proud to have worked with him on the passage of the Nazi War Crimes Disclosure bill. After 50 years, Americans finally are beginning to get a

glimpse of the things that our government knew. Senator MOYNIHAN has also worked tirelessly on getting an accurate census for our country.

Senator MOYNIHAN's absence will make the Senate a poorer place. I am hopeful that he will remain in the public eye as a strong voice of public conscience. We need him and we will miss him, and my colleagues are here to join me in paying tribute to the great Senator from the great State of New York, Senator DANIEL PATRICK MOYNIHAN, a true American treasure.

Mr. Speaker, I will place into the RECORD his biography and a list of his speeches. I also will place editorials and tributes that have appeared recently in the papers of our country, applauding the work and contributions of the great Senator from New York.

DANIEL PATRICK MOYNIHAN

Daniel Patrick Moynihan is the senior United States Senator from New York. First elected in 1976, Sen. Moynihan was re-elected in 1982, 1988, and 1994.

Sen. Moynihan is the Ranking Minority Member of the Senate Committee on Finance. He serves on the Senate Committee on Environment and Public Works and the Senate Committee on Rules and Administration. He also is a member of the Joint Committee on Taxation and the Joint Committee on the Library of Congress.

A member of the Cabinet or sub-Cabinet of Presidents Kennedy, Johnson, Nixon and Ford, Sen. Moynihan is the only person in American history to serve in four successive administrations. He was U.S. Ambassador to India from 1973 to 1975 and U.S. Representative to the United Nations from 1975 to 1976. In February 1976 he represented the United States as President of the United Nations Security Council.

Sen. Moynihan was born on March 17, 1927. He attended pubic and parochial schools in New York City and graduated from Benjamin Franklin High School in East Harlem. He went on to attend the City College of New York for one year before enlisting in the United States Navy. He served on active duty from 1944 to 1947. In 1966, he completed twenty years in the Naval Reserve and was retired. Sen. Moynihan earned his bachelor's degree (cum laude) from Tufts University, studied at the London School of Economics as a Fulbright Scholar, and received his M.A. and Ph.D. from Tufts University's Fletcher School of Law and Diplomacy.

Sen. Moynihan was a member of Averell Harriman's gubernatorial campaign staff in 1954 and then served on Gov. Harriman's staff in Albany until 1958. He was an alternate Kennedy delegate at the 1960 Democratic Convention. Beginning in 1961, he served in the U.S. Department of Labor as an assistant to the Secretary, and later as Assistant Secretary of Labor for Policy Planning and Research.

In 1966, Sen. Moynihan became Director of the Joint Center for Urban Studies at Harvard University and the Massachusetts Institute of Technology. He has been a Professor of Government at Harvard University, Assistant Professor of Government at Syracuse University, a fellow at the Center for Advanced Studies at Wesleyan University, and has taught in the extension programs of Russell Sage College and the Cornell University School of Industrial and Labor Relations. Sen. Moynihan is the recipient of 62 honorary degrees.

Sen. Moynihan is the author or editor of 18 books. He most recent work is Secrecy: The American Experience, published in the fall of 1998, an expansion of the report by the Commission on Protecting and Reducing Government Secrecy. Sen. Moyniahn, as Chairman of the Commission, led the first comprehensive review in forty years of the Federal Government's system of classifying and declassifying information and granting clearances.

Since 1976 Sen. Moynihan has published an analysis of the flow of funds between the Federal Government and New York State. In 1992 the analysis became a joint publication with the Taubman Center for State and Local Government at Harvard University, and includes all fifty states.

Sen. Moynihan is a fellow of the American Association for the Advancement of Science (AAAS). He was Chairman of the AAAS's section on Social, Economic and Political Science (1971–72) and a member of the Board of Directors (1972–73). He also served as a member of the President's Science Advisory Committee (1971–73). Sen. Moynihan was Vice Chairman (1971–76) of the Woodrow Wilson International Center for Scholars. He served on the National Commission on Social Security Reform (1982–83) whose recommendations formed the basis of legislation to assure the system's fiscal stability.

He was the founding Chairman of the Board of Trustees of the Hirshhorn Museum and Sculpture Garden (1971–85) and serves as Regent of the Smithsonian Institution, having been appointed in 1987 and again in 1995. In 1985, the Smithsonian awarded him its Joseph Henry Medal.

In 1965, Sen. Moynihan received the Arthur S. Flemming Awards, which recognizes outstanding young Federal employees, for his work as ''an architect of the Nation's program to eradicate poverty.'' He has also received the International League of Human Rights Award (1975) and the John LaFarge Award for Interracial Justice (1980). In 1983, he was the first recipient of the American Political Science Association's Hubert H. Humphrey Award for ''notable public service by a political scientist.'' In 1984, Sen. Moynihan received the State University of New York at Albany's Medallion of the University in recognition of his ''extraordinary public service and leadership in the field for education.'' In 1986, he received the Seal Medallion of the Central Intelligence Agency and the Britannica Medal for the Dissemination of Learning.

He has also received the Laetare Medal of the University of Notre Dame (1992), the Thomas Jefferson Award for Public Architecture from the American Institute of Architects (1992), and the Thomas Jefferson Medal for Distinguished Achievement in the Arts or Humanities from the American Philosophical Society (1993). In 1994, he received the Gold Medal Award ''honoring services to humanity'' from the National Institute of Social Sciences. In 1997, the College of Physicians and Surgeons at Columbia University awarded Sen. Moynihan the Cartwright Prize. He was the 1998 recipient of the Heinz Award in Public Policy ''for having been a distinct and unique voice in the century—independent in his convictions, a scholar, teacher, statesman and politician, skilled in the art of the possible.''

Elizabeth Brennan Moynihan, his wife of 44 years, is an architectural historian with a special interest in 16th century Mughal architecture in India. She is the author of Paradise as a Garden: In Persia and Mughal India (1979) and numerous articles. Mrs. Moynihan is a former Chairman of the Board of the American Schools of Oriental Research. She serves as a member of the Indo-U.S. Subcommission on Education and Culture, and the visiting committee of the Freer Gallery of Art at the Smithsonian Institution. She is Vice Chair of the Board of the National Building Museum, and on the Trustees Council of the Preservation League of New York State.

PERSONAL

Born March 16, 1927, Tulsa, OK.

Three children, Timothy Patrick, Maura Russell, and John McCloskey; two grandchildren.

Reside in Washington, D.C. on Pennsylvania Avenue and near Pindars Corners in Delaware County, Davenport, NY.

PUBLIC SERVICE

Office of the Governor of the State of New York, W. Averell Harriman, Albany, NY, 1955–58 Speech writer, Assistant to Secretary Jonathan Bingham; Assistant Secretary for Reports, 1956; Acting Secretary, 1958.

Special Assistant to the Secretary of Labor, Washington, DC, 1961–62.

Executive Assistant to the Secretary of Labor, Washington, DC, 1962–63.

Assistant Secretary of Labor for Policy Planning and Research, Washington, DC, 1963–65.

Assistant to the President for Urban Affairs, Washington, DC, 1969–70.

Counselor to the President, Washington, DC, 1969–70.

Consultant to the President, Washington, DC, 1971–73.

Member, United States delegation to the Twenty-Sixth General Assembly of the United Nations, United Nations, 1971.

U.S. Ambassador to India, New Delhi, India, 1973–75.

Permanent Representative to the United Nations, New York, NY, 1975–76.

ELECTED OFFICE

Candidate for New York City Council President, 1965.

U.S. Senator from New York, 1977–

Chairman, Committee on Finance, 1993–1994

Chairman, Committee on Environment and Public Works, 1992

U.S. SENATE COMMITTEES

Committee on Finance, Ranking Minority Member.

Subcommittees: International Trade, Social Security and Family Policy; and Taxation and IRS Oversight.

Committee on Environment and Public Works, second ranking minority member.

Subcommittees: Superfund, Waste Control, and Risk Assessment; and Transportation and Infrastructure.

Committee on Rules an Administration.

Joint Committee on the Library.

Joint Committee on Taxation.

Committee on Foreign Relations, 1987–95.

Committee on the Budget, 1977, 1979–86.

Committee on Commerce, 1977.

Select Committee on Intelligence 1977–85, Vice Chairman, 1981–85.

LEGISLATIVE ACHIEVEMENTS

West Valley Demonstration Project Act of 1980

Sponsor. Authorized U.S. Department of Energy to clean up and remove 600,000 gallons of nuclear wastes stored at West Valley, NY. Commits Federal government to convert liquid wastes into a solid glass-like logs to be transported to a permanent and secure Federal repository.

The Acid Precipitation Act (Became Title VII of the Energy Security Act of 1980)

First federal legislation addressing the problem of acid rain. Established a ten year

program for research on the causes and effects of acid rain and possible control strategies. Ultimately the Federal government's largest scientific study outside NASA.

Clear Air Act Reauthorization of 1982

Mandated an eight million ton reduction in annual sulfur dioxide emission in the eastern U.S. by January 1, 1995.

Social Security Act Amendments of 1983 (Greenspan Commission)

Chief Democratic sponsor of amendments guaranteeing solvency of the Social Security system well into the 21st century.

Water Resources Development Act of 1986

Authorized $1.1 billion for 33 New York water projects. Obtained funding for the Erie Canal, Olcott Harbor, and Coney Island.

Superfund Reauthorization Act of 1985

Principal cosponsor. Provided $8.5 billion over five years to clean up toxic waste.

Tax Reform Act of 1986

One of the law's six principal drafters. Successfully opposed attempts to eliminate the deduction for state and local income and property taxes. Took millions of working poor off tax rolls, lowered tax rates and closed tax shelters and other loopholes.

Family Support Act of 1988

Author. Began process of transforming the Aid to Families with Dependent Children (AFDC) program from an income security program to one which helps individuals secure employment.

Clean Air Act Amendments of 1990

Original cosponsor. First revision of the Clean Air Act since 1977. The acid rain control provisions built upon the first Federal legislation on acid rain: Moynihan's Acid Precipitation Act of 1980 (see above).

Intermodeal Surface Transportation Efficiency Act of 1991 (ISTEA)

Chief author and sponsor of landmark legislation, known commonly as ISTEA, which redirected Federal surface transportation policy to include more spending for non highway-related projects. Greatly increased the amount of Federal Highway Trust Fund money to New York State which received $12 billion in highway and transit funds over six years and will be reimbursed $5 billion for the New York State Thruway over 15 years.

Omnibus Budget Reconciliation Act of 1993

Led efforts to get the first Clinton budget through the Finance Committee and the full Senate resulting in historic deficit reduction and uninterrupted economic growth.

Social Security Domestic Employment Act of 1993 (''Nanny Tax'')

Simplified requirements regarding the payment of Social Security taxes due on wages paid to domestic employees.

Social Security Administration as an independent agency (1994)

Author of bill to make the Social Security Administration independent from the Department of Health and Human Services (HHS) to restore public confidence, improve accountability and insulate the SSA from undue political pressure.

Pennsylvania Station redevelopment

Leader of the redevelopment of Penn Station in Manhattan in the James A. Farley Postal Building. Secured $315 million in Federal, State, and private funds; established the Pennsylvania Station Redevelopment Corp. to oversee completion.

1994 Crime Bill—Ban on ''Cop-Killer'' bullets

Introduced and received Senate passage of legislation to protect police officers from a new class of armor-piercing ammunition. The bill extends the 1986 Law Enforcement Officers Protection Act, also sponsored by Sen. Moynihan, to prohibit this new type of ''cop-killer'' bullet.

Jerusalem Embassy Act of 1995

Principal sponsor with Senator Robert J. Dole of bill to recognize Jerusalem as the Capital of the State of Israel and to require the U.S. Embassy move from Tel Aviv to Jerusalem by 1999.

Ronald Reagan Building and International Trade Center Act of 1995

Sponsor. Named the newest (and last) Federal Triangle building after the former President. The Federal Triangle's completion marks the end of the redevelopment of Pennsylvania Avenue, a personal goal since the Kennedy Administration.

Taxpayers Relief Act of 1997

Repealed the cap on issuance of section 501 (c)(3) bonds for universities, colleges, and non-hospital health facilities.

Government Secrecy Act of 1997

Introduced with Senator Jesse Helms legislation recommended by the Commission on Protecting and Reducing Government Secrecy (of which Senator Moynihan chaired) to establish principles on which Federal classification and declassification programs are to be based.

Social Security Solvency Act of 1998

Introduced with Senator J. Robert Kerrey legislation to save Social Security by reducing payroll taxes by almost $800 billion and returning to a pay-as-you go system. Also requires benefit increases to accurately reflect the cost of living and gradually phase in an increase in the retirement age. Beginning in 2001 the bill would permit voluntary personal savings accounts, which workers could finance with the proceeds of the 2% cut in the payroll tax. And beginning in 2003, retires could continue to collect benefits regardless of how much they earn.

TEACHING AND ACADEMIC POSITIONS

Assistant in Government, Fletcher School of Law and Diplomacy, Tuffs University, Medford, MA, 1949–50.

Lecture, Russell Sage College, Troy, NY, 1957–58.

Lecture, NYS School of Industrial Relations, Cornell University, Ithaca, NY, 1959.

Assistant Professor of Political Science, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, Syracuse, NY, 1960–61.

Fellow, Center for Advanced Studies, Wesleyan University, Middletown, CT, 1965–66.

Director, Joint Center for Urbana Studies, MIT and Harvard University, Cambridge, MA, 1966–1969.

Professor of Education and Urbana Studies, MIT and Harvard University, Cambridge, MA, 1969–73.

Professor of Government, Harvard University, Cambridge, MA, 1973–77.

COURSES TAUGHT

Harvard University

1971–72

Administration and Social Policy x-154. Social Science and Social Policy—A review of the rise of social science influence in the formulation of social policy with respect to predominantly non-economic issues. Changing perceptions of the political orientation of social science findings. Class work concentrated on case studies drawn from recent American experience

Administration and Social Policy x-227. Federal Policy Toward Higher Education—This seminar considered the emergency of Federal policy toward higher education in the context of historical programs and the social policies which they reflect, in order to define the choices implicit in the adoption of a formal national policy.

Administration and Social Policy x-256. Social Science and Education Policy—An exploration of recent and prospective influences on educational policies of social science theory and research. Included consideration of the policy making processes within the educational system and various modes of responses to social science findings.

1972–73

Government 251. Ethnicity in American Politics—An historical inquiry into the role of ethnic group identity as an organizing factor in American politics.

1976–77

Social Science 115. Social Science and Social Policy—And examination of the influence of various social science disciplines on the formulation of social policy.

1976–77

Government 216. Ethnicity in Politics—An historical and theoretical enquiry into the role of ethnicity as an organizing principle in modern politics.

FELLOWSHIPS

1969—Honorary Fellow, London School of Economics and Political Science.

1971—Fellow, American Association for the Advancement of Science.

1976—Chubb Fellow, Yale University.

LECTURESHIPS

1985—Feingold Lecturer, Columbia University, New York, NY.

1985—Feinstone Lecturer, U.S. Military Academy, West Point, NY.

1986—Godkin Lecturer, Harvard University, Cambridge, MA.

1986—Marnold Lecturer, New York University, New York. NY.

1987—Gannon Lecturer, Fordham University, Bronx, NY.

1991—Cyril Foster Lecturer, Oxford University, Oxford, England.

HONORARY DEGREES

LL.D. LaSalle College, 1966.
LL.D. Seton Hall College, 1966.
D.P.A. Providence College, 1967.
D.H.L. University of Akron, 1967.
LL.D. Catholic University, 1968.
D.S.W. Dusquesne University, 1968.
D.H.L. Hamilton College, 1968.
LL.D. Illinois Institute of Technology, 1968.
LL.D. New School for Social Research, 1968.
LL.D. St. Louis University, 1968.
LL.D. Tufts University, 1968.
D.S.S. Villanova University, 1968.
LL.D. University of California, 1969.
LL.D. University of Notre Dame, 1969.
LL.D. Fordham University, 1970.
H.H.D. Bridgewater State College, 1972.
D.S. Michigan Technological University, 1972.
L.L.D. St. Bonaventure University, 1972.
LL.D. Indiana University, 1975.
LL.D. Boston College, 1976.
Ph.D. Hebrew University, 1976.
LL.D. Hofstra University, 1976.
LL.D. Ohio State University, 1976.
LL.D. St. Anselm's College, 1976.
D.H.L. Baruch College, 1977.
LL.D. Canisius College, 1977.
D.C.L. Colgate University, 1977.
LL.D. LeMoyne College, 1977.
LL.D. New York Law School, 1977.

LL.D. Salem College, 1977.
LL.D. Hartwick College, 1978.
LL.D. Ithaca College, 1978.
D.H.L. Rabinnical College of America, 1978.
LL.D. Skidmore College, 1978.
LL.D. College of St. Rose, 1978.
LL.D. Yeshiva University, 1978.
LL.D. Brooklyn Law School, 1978.
D.H.L. Marist College, 1979.
LL.D. Pace University Law School, 1979.
LL.D. St. John Fisher College, 1980.
LL.D. Dowling College, 1981.
LL.D. Bar-Ilan University, 1982.
LL.D. New York Medical College, 1982.
LL.D. Pratt Institute, 1982.
LL.D. Rensselar Polytechnic Institute, 1983.
D.C.L. Union College, 1983.
D.S.I. Defense Intelligence College, 1984.
D.H.L. New York University, 1984.
LL.D. Syracuse University School of Law.
D.H.L. Bard College, 1985.
D.H.L. Hebrew Union College, 1986.
LL.D. Marymount Manhattan College, 1986.
LL.D. Columbia University, 1987.
LL.D. Touro College, 1991.
D.H.L. Hobart and William Smith College, 1992.
D.H.L. University of San Francisco, 1992.
D.C.L. St. Francis College, 1993.
LL.D. University of Rochester, 1994.
LL.D. Union College, 1995.
LL.D. Ben-Gurion University of the Negev, 1997.
D.H.L. Texas A&M University, 1998.

OTHER POSITIONS

Budget Assistant, U.S. Air Force base, Ruislip, England, 1951–53.

Director of Public Relations, International Rescue Committee (IRC), New York, NY 1954.

Human Rights Organization, assisted refugees forced to leave their own countries through persecution.

Director, New York State Government Research Project, Syracuse University, Syracuse, NY, 1959–61.

COMMISSIONS AND COMMITTEES

Member, New York State Tenure Commission, 1958–60.

Member, President's Council on Pennsylvania Avenue, 1962.

Vice-Chairman, President's Temporary Commission on Pennsylvania Avenue, 1965–74.

Member, Advisory Committee on Traffic Safety, Department of HEW, 1966–68.

Member, President's Science Advisory Committee, 1971–73.

EDUCATION

Diploma, Benjamin Franklin High School, New York, NY, 1943.

City College of New York (1943–44), New York, NY, followed by naval service.

B.N.S., Tufts University, Medford, MA, 1946.

B.A. (cum laude), Tufts University, Medford, MA, 1948.

M.A. Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, 1949.

Fulbright Scholarship, London School of Economics, London, England, 1950.

Ph.D., Doctor of Philosophy, Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, 1961; thesis: The U.S. and the I.L.O., 1889–1934.

DEMOCRATIC POLITICAL EXPERIENCE

Volunteer, New York City Mayoral campaign of Robert F. Wagner, 1953.

Secretary, Public Affairs Committee of the New York State Democratic Party, 1958–60.

Member, New York State Delegation to the Democratic National Convention, 1960, 1976. Authored position papers for presidential campaign of Sen. John F. Kennedy, 1960.

NAVAL SERVICE

1944–45—V–12 Naval Officer training program, Middlebury, VT.

1945—ROTC Tufts University/B.N.S., 1946.

1947—Communications, Gunnery Officer, U.S.S. *Quirinus*.

MEDALS

The American Campaign Medal.—Given to those in service between 1941 and 1946. Recipient must have served outside the United States for 30 days or within the United States for one year.

The Naval Reserve Medal.—For ten years of honorable service in the Naval Reserve.

World War II Victory Medal.—For service in the U.S. Armed Forces, 1941–1846.

BOOKS

Beyond the Melting Pot (with Nathan Glazer), The MIT Press, Cambridge, MA, 1963.

Study of ethnic life in American society and politics. Questioned contemporary conception of America as homogenous society and in which group differences were disappearing. (Winner of the Ansfield-Wolf Award in Race Relations)

The Defenses of Freedom: The Public Papers of Arthur J. Goldberg, ed., Harper & Roe, New York, NY, 1966.

Papers of the Supreme Court Justice and American Ambassador to the United Nations.

Maximum Feasible Misunderstanding, The Free Press, New York, NY, 1969.

On the role of community action in the war on poverty and why the Johnson Administration's poverty program failed to fulfill expectations.

On Understanding Poverty, ed., Basic Books Inc., New York, N.Y. 1969.

A collection of essays by leading academics and experts in the field of poverty studies.

Toward a National Urban Policy,, ed., Basic Books Inc., New York, NY, 1970.

Essays by academics and urban experts on a range of subjects related to urban affairs, including housing urban planning, transportation, crime, health, education, and race.

On Equality of Educational Opportunity, ed. (with Frederick Mosteller), Random House, New York, NY, 1972.

Papers from the Harvard University Faculty Seminar on the Coleman Report ''Equality of Educational Opportunity.'' The Report demonstrated that minority schools were not especially unequal in their facilities and that neither teacher-pupil ratios nor per-pupil expenditures were directly related to academic achievement.

The Politics of A Guaranteed Income, Random House, New York, NY, 1973.

An explanation of the Family Assistance Plan (FAP) which guaranteed minimum income to families with children and why the proposal was defeated.

Coping: On the Practice of Government, Random House, New York, NY, 1973.

Essays on a range of subjects encountered during government service: welfare, political reform, race relations, traffic safety, education, urban affairs. Discusses how the trained social scientist can contribute to the practice of government.

Ethnicity: Theory and Experience, ed. (with Nathan Glazer), Harvard University Press, Cambridge, MA, 1975.

A collection of essays by academics and social commentators on the meaning and significance of ethnicity in modern society.

A Dangerous Place (with Suzanne Weaver), Little, Brown & Company, Boston, MA, 1978.

A testimonial from term as Ambassador to the United Nations. Recounts battle against Arab sponsored and Soviet inspired U.N. resolution equating Zionism with racism.

Counting our Blessings, Little, Brown & Company, Boston, MA, 1980.

A collection of essays on foreign policy, the judicial system, domestic and regional economic policy, arms control and other issues. Argues, among other things for public aid to nonpublic schools and that the Nation stress human rights as a priority in international relations.

Loyalties, Harcourt Brace Jovanovich, New York, NY, 1984.

On the history and meaning of the arms race, respect for international law, and the Communist theory of racism applied to those who opposed Soviet totalitarianism. The book argues for loyalty to principals of law, rights and humanity.

Family and Nation, Harcourt Brace Jovanovich, New York, NY, 1986.

On the disintegration of the American family. Argues for the establishment of a national policy to support and enhance the viability of families.

Came the Revolution: Argument in the Reagan Era, Harcourt Brace Jovanovich, New York, NY, 1988.

A collection of speeches, essays and other writings from 1981–1986.

On the Law of Nations, Harvard University Press, Cambridge, MA, 1990.

An examination of international law and the history of American internationalism in the twentieth century.

Pandaemonium: Ethnicity in International Politics, Oxford University Press Inc., New York, NY, 1993.

An account of ethnicity as an elemental force in international politics. How the power of ethnicity defied both the liberal myth of the melting pot and the Marxist prediction of proletarian internationalism.

Miles to Go: A Personal History of Social Policy, Harvard University Press, Cambridge, MA, 1996.

A personal analysis of the changing welfare state and the nation's social strategies over the last half-century. Topics include welfare, family disintegration, health care, social deviance, addiction, and broader views on civil rights and capitalism.

Secrecy: The American Experience, Yale University Press, New Haven, CT, 1998.

A history of government secrecy in America since World War I. Based on findings as Chairman of the Commission on Protecting and Reducing Government Secrecy (1995–1997). Secrecy is a mode of government regulation, indeed, ''it is the ultimate mode for the citizen does not even know that he or she is being regulated.''

HONORS AND AWARDS

Meritorious Service Award of the U.S. Department of Labor (1963)

For exceptional service as Staff Director of the President's Task Force on Employee-Management Relations and for outstanding contributions to development of the policy of Employee-Management Cooperation in the Federal Service.

Arthur S. Fleming Award as an ''Architect of the Nation's War on Poverty'' (1965)

Awarded to the ten most outstanding young men and women in the Federal service. Selected by an independent panel of judges.

International League of Human Rights Award (1975)

For extraordinary commitment to international human rights. Oldest human rights award in the nation.

John LaFarge Award for Interracial Justice (1980)

Given by the Catholic Interracial Council (NY) for commitment and leadership in fighting racism and discrimination.

American Political Science Association's Hubert H. Humphrey Award (1983)

First recipient of the award for ''notable public service by a political scientist.''

Medallion of the University, State University of New York at Albany (1984)

For extraordinary service to the University and to education. The highest award for distinguished service the university bestows.

Henry Medal of the Smithsonian Institution (1985)

Presented by the Board of Regents for outstanding service to the Smithsonian Institution.

Seal Medallion of the Central Intelligence Agency (1986)

In recognition of outstanding accomplishment as vice-chairman of the Senate Committee on Intelligence from February 1977 to January 1985.

Britannica Medal for the Dissemination of Learning and the Enrichment of Life (1986)

Presented by Encyclopedia Britannica. The award's first recipient.

Memorial Sloan-Kettering Cancer Center Medal (1986)

For distinguished service and outstanding achievement in the cancer field.

Gold Medal, American-Irish Historical Society (1986)

In appreciation of significant service rendered to the cause of Ireland.

Natan Sharansky Humanitarian Award, Rockland Committee for Soviet Jewry (1987)

For distinguished achievement on behalf of human rights and noble efforts in support of Soviet Jewry and the Jewish people throughout the world.

Honor Award, National Building Museum (1989)

For fostering excellence in the built environment. Received for championing the resurrection of Pennsylvania Avenue, for promoting quality in federal building programs, and for leading efforts to rebuild the nation's deteriorating infrastructure.

Wolfgang Friedmann Award, (Columbia University School of Law (1991)

For outstanding contributions to the field of international law. Given by the Columbia School of Law's Journal of Translational Law.

President's Medal, Municipal Art Society of New York (1992)

President to an individual whose accomplishments have made an enduring contribution to urban life in America and especially to the City of New York.

Thomas Jefferson Award for Public Architecture, American Institute of Architects (1992)

For advocacy furthering the public's awareness and/or appreciation of design excellence.

Laetare Medal, University of Notre Dame (1992)

The University's highest honor. Given to those who have ''ennobled the arts and sciences, illustrated the ideals of the Church, and enriched the heritage of humanity.'' Regarded as the most significant annual award conferred upon Catholics in the United States. Selected by a committee headed by the president of Notre Dame.

Thomas Jefferson Medal, American Philosophical Society (1993)

The society's most prestigious medal in recognition of distinguished achievement in the arts, humanities, or social sciences.

Distinguished Leadership Award, American Ireland Fund (1994)

In recognition of the Senator's long-time interest in and concern for Irish causes.

The Gold Medal Award for Distinguished Service to Humanity (1994)

Presented by the National Institute of Social Sciences.

United Jerusalem Award, Union of Orthodox Jewish Congregations (1994)

Awarded to ''the single most consistent, thoughtful, and articulate champion of a united Jerusalem in the United States Congress.''

Profiles in Courage Award, American Jewish Congress (1996)

For significant and courageous contributions to the cause of democracy and human freedom at home and abroad.

Award for Public Service Excellence (1996)

Presented by the Association of American Medical Colleges. For ''visionary leadership in the U.S. Senate as a champion for the education, research, and patient care missions of our nation's medical schools and teaching hospitals.''

Cartwright Prize, Columbia University (1997)

Presented by the College of Physicians and Surgeons at Columbia University for ''outstanding contributions to medicine.'' The first non-physician to be honored.

John Heinz Award (1999)

CURRENT MEMBERSHIPS

Aleph Society, New York, NY.

American Academy of Arts and Sciences, Cambridge, MA.

American Association for the Advancement of Science, Washington, DC.

American Heritage Dictionary, Usage Panel.

American Philosophical Society, Philadelphia, PA.

American Antiquarian Society, Worchester, MA.

Bedford-Stuyvesant Development and Service Corporation, New York, NY.

Century Association, New York, NY.

Committee on the Constitutional System, Washington, DC.

Corporation for Maintaining Editorial Diversity in America, Washington, DC.

Fletcher School of Law and Diplomacy (Board of Trustees), Medford, MA.

Franklin and Eleanor Roosevelt Institute, Hyde Park, NY.

Harvard Club, New York, N.Y.

Irish Georgian Society, New York, NY.

Jacob K. Javits Foundation, Inc. (Board of Trustees), New York, NY.

Jerome Levy Economic Institute at Bard College (Board of Trustees), Annandale-on-Hudson, NY.

The Maxwell School (Board of Trustees), Syracuse, NY.

National Academy of Social Insurance, Washington, NY.

National Democratic Institute for International Affairs, Washington, NY.

New York Landmarks Conservancy, New York, NY.

Project on Ethnic Relations, Princeton, NJ.

The Public Interest/National Affairs, Inc., Washington, DC.

Regent, Smithsonian Institution, Washington, DC (Appointed 1987 and 1995).

The Harry S Truman Research for the Advancement of Peace, New York, NY.

PRIOR MEMBERSHIPS

President's Science Advisory Committee (1971–73).

American Association for Advancement of Science Council 1971; Member, Board of Directors, 1972–73; Chairman, Social, Economic and Political Science Section, 1971–72.

Woodrow Wilson International Center for Scholars; Vice Chairman (1971–76), Board of Trustees (1969–76).

Hirshhorn Museum and Sculpture Garden Founding Chairman; Board of Trustees (1971–85).

REPORTS AND GOVERNMENT DOCUMENTS

Executive Order 10988, ''Employee-Management Cooperation in the Federal Service.'' Approved by President John F. Kennedy January 17, 1962. Permitted Federal government employees to join unions or other employee organizations.

''Report to the President by the Ad Hoc Committee on Federal Office Space,'' Committee on Public Works, U.S. House of Representatives, U.S. Government Printing Office, Washington, DC, June 1, 1962. Includes reports on the redevelopment of Pennsylvania Avenue and architectural guidelines for Federal office buildings.

''One Third of a Nation,'' report of the Task Force on Manpower Conservation, submitted to President Lyndon B. Johnson January 1, 1964 (Task Force included the Director of the Selective Service System and the Secretaries of Defense, Health, Education, and Welfare, and Labor). Concluded that one-third of draft-age men were unfit for military service and called for manpower conservation program to give physical training and medical attention as necessary to meet national standards.

''The Negro Family: The Case for National Action,'' Office of Policy Planning and Research, U.S. Department of Labor, March 1965.

Report on Traffic Safety, Secretary's Advisory Committee on Traffic Safety, U.S. Department of Health, Education, and Welfare, February 29, 1968 (commonly known as The Moynihan Report on Traffic Safety).

''Toward a More Accurate Measure of the Cost of Living,'' report to the U.S. Senate Finance Committee from the Advisory Commission to Study the Consumer Price Index (Boskin Commission), December 4, 1996. Concluded that using the CPI as cost of living index—which it is not—creates enormous costs to the Federal government in increased outlays and decreased revenues. The present upward bias is 1.1 percent points per year over the next decade, an overstatement of roughly one-third. The Commission states: ''The bias alone would be the fourth largest Federal program.''

''Secrecy'' Commission on Protecting and Reducing Government Secrecy, Chairman. Appendix: ''Secrecy' A Brief History of the American Experience,'' March 4, 1997.

''Memorandum of Points and Authorities of Senator Robert C. Byrd, Daniel Patrick Moynihan, and Carl Levin as Amici Curiae in Support of Plaintiff's Motions to Declare Line Item Veto Act Unconstitutional,'' November 26, 1997. Brief filed in the case *The City of New York* v. *Clinton*, the lawsuit brought by New York City challenging the constitutionality of the Line Item Veto Act of 1996. In a 6-3 decision on June 25, 1998 the Supreme Court ruled the Line Item Veto Act unconstitutional. Perhaps the most important case on legislative-executive relations in the history of the Court.

INTRODUCTIONS/FOREWORDS

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''Solvency as a Condition of Economic Stability.'' Speech to the Washington Area Economic Forum, Washington, DC, June 19, 1992.

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''Social Policy and Drug Research.'' The Inaugural Norman E. Zinberg Lecture, John F. Kennedy School of Government, Harvard University, Cambridge, MA, December 5, 1992.

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Address at The VENONA Conference. National War College, Ft. McNair, Washington, DC, October 4, 1996.

''Secrecy as a Form of Government Regulation.'' Georgetown University, Washington, DC, March 3, 1997.

Remarks at the Memorial for Al Shanker. George Washington University, Washington, DC, April 9, 1997.

The Commissioning of the U.S.C. *The Sullivans*. Staten Island, NY, April 19, 1997.

Times Square Symposium on the Homeless. New York, NY, April 21, 1997.

Arts Education Technology Conference. Palisades, NY, May 3, 1997.

Dedication of the Chaim Herzog Center. Ben-Gurion University of the Negev, Jerusalem, Israel, May 26, 1997.

''Secrecy.'' National Press Club, Washington, DC, June 13, 1997.

''Government Secrecy in the Information Age.'' Secretary's Open Forum, U.S. Department of State, Washington, DC, July 25, 1997.

Keynote address. Frank Lloyd Wright Building Conservancy Conference, Buffalo, NY, September 20, 1997.

''Fifty Years of 'Meet the Press.'' Al Smith Memorial Dinner, Waldorf-Astoria, New York, NY, November 3, 1997.

Joseph Henry Award Presented to Dr. Frederic Seitz. Smithsonian Institution, Washington, DC, November 7, 1997.

''100 Years of Ziolnism.'' The Capitol, Washington, DC, November 14, 1997.

''On the Commodification of Medicine.'' The Cartwright Lecture, Columbia University School of Medicine, New York, NY, December 10, 1998. (Published in Academic Medicine, May 1998.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are cautioned not to refer to guests in the gallery.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. WALSH) is recognized during morning hour debates for 5 minutes.

Mr. WALSH. Mr. Speaker, I rise today to join in the tribute to our good friend and our distinguished Senator from New York, DANIEL PATRICK MOYNIHAN; and I congratulate my colleague, the gentlewoman from New York (Mrs. MALONEY), for helping to organize this fitting tribute. It is fitting in many senses, not the least of which is its bipartisanship.

I begin by paraphrasing the great William Shakespeare's play Julius Caesar: We have come not to bury the Senator, but to praise him.

New York has great pride in Senator MOYNIHAN and his career. A native son, he began his life in Hell's Kitchen. That crucible of Hell's Kitchen helped to create the character that is now our great Senator.

George Will's column recently was an excellent explanation of his distinguished career, but there are many points that I think all of us have some identity with. Certainly the fact that he spends his summers in Pindar's Corners in upstate New York shows that he is a Senator for the entire State.

In New York State, we have what is commonly referred to as upstate and down state. Now, the people from down state, which we think of as New York City, refer to everything north of the Bronx as upstate, or as everybody from upstate refers to everything in the five bureaus and Long Island as down state.

I would like to think of Senator MOYNIHAN as being from mid-state. He has always defied that upstate-down state divide. There are a couple of songs that sort of sum up New York. Billy Joel wrote and sang a song called New York State of Mind. I prefer that to Frank Sinatra's New York, New York. New York, New York is a little presumptuous. The New York State of Mind I think explains perhaps the Senator, not playing the partisan role, not taking upstate versus down state, urban versus rural, or even domestic versus foreign in our policies. He has somehow avoided that trap.

Just as he did with many, many issues, you can describe him as a man for all seasons, a renaissance man; but certainly he has fulfilled many, many roles throughout his successful life.

As ambassador to India, he helped to bridge a gap between the world's two greatest democracies. India, for some reason, never saw itself as a friend of the United States until Senator MOYNIHAN served there with distinction and helped to create that bridge which we saw somewhat fulfilled the other day when Prime Minister Vajpayee spoke here before the United States Congress, a very important role for 2 great peoples. He served in the cabinet in many administrations, as a professor in my hometown at Syracuse University, as United States ambassador. What a tremendous resume.

He was able to take on issues that few others would be willing to enter into the fray. We have a tremendous environmental issue up home in my hometown, Onondaga Lake. He looked at the factions that divided the cure for that problem and pointed at all of them and said you are all wrong. We need to get to work on this. He helped me as a Republican bring in the Army Corps of Engineers to play a major role.

I remember the first meeting we had with the Army Corps, and he said to the colonel who was going to take over this project, he said, this project can make a general out of you if you do a good job. Well, he is no longer on the job, but the job has begun and the lake is cleaner already. I owe my partner a great deal and the community does too.

The Erie Canal, the legacy of New York State which strung all of the pearls of the upstate cities together along this waterway, we are restoring that. We are recreating it; we are redeveloping it.

He was never shy about pointing out the peccadillos of our leaders, to his credit. He had a knack for reducing complex issues to the nut of the problem. But, on the other hand, he could also philosophize and wax thoughtfully and embellish. There was a saying when MOYNIHAN and D'Amato were the Senators, if you wanted to get the history of immigration in the United States, you saw MOYNIHAN. If you wanted a passport, you saw D'Amato.

That tells you a little bit about the man.

Somehow, he has managed over the years to avoid the slings and arrows of outrageous editorial writers, although I am sure he could point out a time or two when they took them on. I don't think too many of them were smart enough to take him on. He will be remembered for his witness and wisdom, for his devotion to his beloved wife, Liz, for his 6 decades of public service, for his pithy comments, but mostly for his honesty and integrity.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. LAFALCE) is recognized during morning hour debates for 5 minutes.

Mr. LAFALCE. Senator MOYNIHAN, I wanted to thank you because I have gone to you not only for the history, but for the passports also.

I am very pleased to join with all my colleagues today as we honor a true giant of the United States Senate, and really one of the giants of public life within the history of the United States; and the words we express today will really pale in comparison to his accomplishments and the esteem in which he is held.

The breadth of his intellect is revealed in his literary output alone. He has authored 18 books on subjects ranging from poverty and race to education, urban policy, welfare, arms

control, the family, government secrecy, international law. But while the quantity of DANIEL PATRICK MOYNIHAN's record is tremendous, it is the quality that really matters. I can think of no one who has served in the Capitol complex during the 20th century who has made a greater contribution to our Nation.

Others have also mastered the intricacies of the appropriations process, the details of communication law; but too few of us are able consistently to keep the big picture in front of us all the time, and that is what Senator MOYNIHAN does best. He understands that what we do in one area of the law can and often does have unintended impact in other areas of life. He knows that solving one problem could easily create two more, so he moves with care and caution; and in that regard you could say DANIEL PATRICK MOYNIHAN is a conservative in the best sense of that word.

But he also knows that without action, without government action, we would stagnate and atrophy, and that there are instances where taking bold action is the only appropriate thing to do, and it is a necessity. In that sense, he is a liberal in the best sense of that word.

I guess my time has expired, so I just must include the rest of my remarks in the RECORD. But let me congratulate him on many, many things, but most of all for having the good common sense and the good judgment to have seen the jewel in his wife, Liz Moynihan, early on and made that decision, because I really think, PATRICK, she deserves the praise equally with you.

But PAT also knows that without action, we would stagnate and atrophy. And that there are instances where taking bold action is the only appropriate thing to do. So he is also truly "liberal," in the best sense of that word.

What has impressed me most over the years, however, has been the intellectual depth which Senator MOYNIHAN brings to his endeavors. He disdains imprecise thought and turgid prose. The rigor he brings to public discourse will be sorely missed. And the attention he paid to the quality of writing will be equally missed.

Indeed, I hope someone will pull together a book with samples of his writings, and that it will become required reading for freshman legislators. How often can we truly say we want to read another Member's or a Senator's speech or "Dear Colleague" letter? Yet every time I see PAT's letterhead, I know that I'll see new and imaginative uses of our language which, almost 100 percent of the time, are not only enlightening but also refreshing.

Mr. Speaker, today's tribute cannot fully reflect what we all owe Senator MOYNIHAN, but I hope that our words inspire people around the nation and throughout the world to look back on occasion and remember the importance of his contributions to the progress of the human race on this mortal coil.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. GILMAN) is recognized during morning hour debates for 5 minutes.

Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure and an honor to join my colleagues today in standing before you to salute our very good friend and colleague, our distinguished Senator, senior Senator from New York, DANIEL PATRICK MOYNIHAN, for nearly 25 years, Senator MOYNIHAN has worked tirelessly for the citizens of our great State of New York, as well as for the rights and freedom of people throughout the world. Perhaps no other national figure of the past 4 decades has better symbolized or articulated the democratic ideals and traditions of our Nation than Senator MOYNIHAN.

Prior to his arrival in the Senate in 1977, Senator MOYNIHAN served as both our United States ambassador to India and the United States ambassador to our United Nations. To that distinguished forum, he brought extensive foreign policy experience to the Congress, and he has been a leading voice on American foreign policy issues throughout his service in the Senate.

Senator MOYNIHAN has long lent his name and support to the goals of lasting peace and justice in Northern Ireland. Along with Senators DODD, KENNEDY, MACK, and many others in the Senate, Senator MOYNIHAN has been the leading voice of reason, calling on the parties to renounce violence and to secure lasting peace and justice by way of democratic means.

As a testament to his courage and conviction, Senator MOYNIHAN advocated his approach to peace in Ireland when it was still very unpopular to do so.

Senator MOYNIHAN's efforts and those of his colleagues, especially Senator Mitchell, have helped bring about peace in Northern Ireland today, something for which we are all highly grateful. Their efforts created the potential to finally end the long and painful history of a divided Ireland.

All peace-loving people, both here and around the globe, owe Senator MOYNIHAN a debt of gratitude. Accordingly, today, Senator MOYNIHAN, it is an honor to join with my colleagues in saluting you and thanking you for your selfless service to the people of New York, to the United States of America, and to peace throughout the world.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. RANGEL) is recognized during morning hour debates for 2 minutes.

Mr. RANGEL. Two minutes, Mr. Speaker, how do you talk about PATRICK MOYNIHAN in 2 minutes? It would take 2 minutes to thank Liz for allowing you to do all the wonderful things that you have been able to do:

Only in America. It makes us so proud, those of us that come from the great State of New York, to know that someone that could attend a high school like Ben Franklin, know Hell's Kitchen, know what it is like to shine shoes and work on the docks, and at the same time, be able to reach the intellectual heights that you have done, not just for New Yorkers or the Senate, but for America. It gives hope to everybody in this country, but especially throughout the world, to show that when one is given an opportunity, that maybe they cannot reach the same heights that you have, but it is possible to do it in the United States of America.

Your eloquence and wit, combined with your ability to defy party labels, whether it is liberal or conservative, you have always been able to do and to say and to be appreciated for what is good for the country. And whether we are talking about Kennedy or Johnson or Nixon or Ford, Presidents have been smart enough to know that when you are talking about PATRICK MOYNIHAN, you are not talking partisanship; but you are talking sound policy for our great country.

It has been said that New Yorkers have a little more self-esteem than we need. It has been said that those that are on the Senate Finance Committee or the Committee on Ways and Means walk with swaggers. And even though most Members really do not deserve that label, when we know that we are honored to include among our body someone of such esteem as you, then we should be allowed to walk a little taller.

Elizabeth, thank you for what you have done for our great country. We look forward to working with you, no matter what both of you decide to do later. God bless.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. QUINN) is recognized during morning hour debates for 5 minutes.

Mr. QUINN. Mr. Speaker, I will include my prepared remarks for today's RECORD, because we in these prepared remarks talk about the things that Senator MOYNIHAN has done.

I would like to file those, and if I may, Senator, take a moment of personal privilege to thank you on behalf of the residents of Buffalo and Erie County in western New York for all you have done over several years. I remember when I got elected in 1992 and

first came into office in 1993, the very first visitor in my office was you, the very first person to come over and talk with me. We sat in the corner and enjoyed a cup of tea, and you told me what would be important for New York State. And you were right.

You have been for all of us, Members and constituents alike, a model and an example. I can give you a little secret here that my cousin Peter Quinn in Monroe County in Rochester, New York, has a son about 7 or 8 right now, and his name is Daniel Patrick Quinn. My youngest brother, Mike up in Buffalo, has a son named Daniel Patrick Quinn. There are no John Francis Quinns running around that I know of, Senator, but lots of Daniel Patricks.

We cannot find a stronger advocate for the arts, whether it is the Darwin Martin House and the Frank Lloyd Wright effort in Buffalo, New York, when we turn to someone like you.

Finally Senator, and to Liz and your family, we obviously wish you the best; but some people would say that I'm talking the height of flattery, and I want you to know when I leave this place, whenever it is and for whatever reason, if I can leave as DANIEL PATRICK MOYNIHAN leaves, I will be a lucky man.

Mr. Speaker, I am honored to rise today and join with my colleagues to pay tribute and officially recognize the retirement of my good friend, Senator DANIEL PATRICK MOYNIHAN.

Senator MOYNIHAN has dedicated his life to service of his country. He served with the Kennedy, Johnson, Nixon, and Ford administrations, and as an Ambassador to India, U.S. Representative to the United Nations, and as United States President of the U.N. Security Council.

Upon his election to the United States Senate in 1976, Senator MOYNIHAN emerged as a strong advocate for the State of New York, but never lost sight of his obligations to the Nation as a whole. His strong commitment to education, science, and arts and humanities is testimony to his leadership and integrity as a United States Senator.

A prolific author, Senator MOYNIHAN has penned or edited a remarkable eighteen books. He truly personifies that old phrase "a gentleman and a scholar," and I am proud to count him among my friends. His strong example is one we all strive to follow.

When I arrived in Congress in January 1993, one of the very first visitors to my office in Cannon was Senator MOYNIHAN. We shared a cup of tea and talked about what was important for Buffalo and New York State. Senator MOYNIHAN has been a stalwart supporter of my district and our State, every day since that first visit. I want to say thank you: not only from me and my staff, but all Buffaloians.

Mr. Speaker, today I am proud to join with both houses and the New York State delegation in commending Senator DANIEL PATRICK MOYNIHAN on his commitment to New York and the country. I also join with his wife, Elizabeth; his children, Timothy Patrick, Maura Russell and John McCloskey; and indeed, all Americans in expressing our sincerest gratitude for his leadership and service.

We have marched in parades together. There is no stronger advocate in the Congress of the arts than PAT MOYNIHAN. Whether it's the Darwin Martin House in Buffalo with its Frank Lloyd Wright history or the Albright-Krax Art Gallery, we are fortunate to have had PAT MOYNIHAN as our supporter, benefactor and friend.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. MCCARTHY) is recognized during morning hour debates for 2 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I certainly stand here to give a tribute to our Senator from New York. I remember when I was running for my first election in 1996, the great Senator was assigned to me as his "buddy," and I remember going and meeting with you in your office and sitting there saying, Oh, my God, I am with Senator MOYNIHAN.

Senator, you have been of great service to New York. You have fought for New York, but you also have fought for the country. But one of the things I certainly respect about you the most is the way you always presented an argument. It was not the partisanship that sometimes we see today. You were always a gentleman. You were always someone with kind words for everyone, and I think that is something that we should all remember.

We all know about your intellect, we all know about your great words; but, really, I think New Yorkers and the country will remember you as being the gentleman from New York, and you served your time well.

Senator, we are going to miss you, but somehow I have a feeling that you will always have your hand in New York politics, one way or the other. The tributes that you are hearing today can never match the words and the deeds that you have done for all of us over the last 25 years.

Sir, I hope I can follow in your footsteps just with your wisdom, those are big shoes to follow; but someday we are going to have so many of us to remember you by.

Thank you, Senator.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. BOEHLERT) is recognized during morning hour debates for 2 minutes.

Mr. BOEHLERT. Mr. Speaker, it is a pleasure to be here to join with my colleagues this morning to honor Senator DANIEL PATRICK MOYNIHAN. It is a special pleasure for me, because I have a relationship to PAT that none of my colleagues can claim: I am his Congressman, as the Senator reminds me; and I could tell you one could not wish for a better constituent.

But it is not only an honor and a pleasure representing and working with the Senator, it is an education. One cannot have a conversation with PAT without benefiting from his years of experience and the depth of his insight. As the recent biography of the Senator shows, one can pretty much trace the history of the second half of the 20th century simply by following his career.

His is that rare life that crosses so many supposedly impermeable boundaries. He has made his mark in the academic and in the so-called real world. He has been a critical player in domestic and foreign policy. He has been a key member of Democrat administrations and Republican administrations. He has served ably in the executive branch and in the legislative branch. He has been esteemed as an author of books and an author of laws.

His record becomes more inspiring and amazing the more it is examined. Finally, he has brought that breadth and that stature to bear, not only on the great pivotal issues of the day, race and ethnicity, welfare fair and tax policy, the Cold War and terrorism, but also on the more local matters that can make a great difference in people's lives.

So, as a New Yorker and as an American, I am sorry to see PAT MOYNIHAN leaving the Senate; but as a Congressman, I know I will still be able to rely on his wise counsel.

I expect that I will not only be reading additional books by the sage of Pindar's Corners, but also constituent mail, and those are letters that I will be eager to receive.

I salute you, very able and distinguished public servant.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. WEINER) is recognized during morning hour debates for 1 minute.

Mr. WEINER. Mr. Speaker, we live in cynical times. We live in times when reams of newspaper are printed about our foibles, individual and collective; but there is scant recognition of the greatness of our country and its great people.

Today we pay tribute to a truly great man, Liz Moynihan's husband. For more than a generation, Senator MOYNIHAN has brought dignity to these halls, and during the push and pull of daily political discourse, there has been one voice which for more than 40 years has seen around the corner into the face of our future challenges.

Mr. Speaker, this is my first term; and if I serve just this one term, or 20 more, I hope to display just one ounce, one thimbleful, of the dignity and grace and wisdom of the senior Senator from New York.

Godspeed, Senator MOYNIHAN.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. HOUGHTON) is recognized during morning hour debates for 5 minutes.

Mr. HOUGHTON. Senator, it is hard for me to stand up here and talk to you, of all people, who are so eloquent and has given so many wonderful and meaningful things to us over the years.

Also I think of the words of John Lord O'Brien, who you remember was the great lawyer from Buffalo and was the head of probably the greatest law firm in the history of the country, which was the War Production Board during World War II. Somebody was saying very nice things about him one time, and he says, ''I accept that and I appreciate it. The problem I have is not inhaling them.''

You have had so many nice things said about you, I know it must be very difficult. But as you know, no one person is indispensable, clearly you nor I nor anyone around here. But if anyone comes close to indispensability, it is you.

I think of that wonderful story that Archibald McLeash told at one time. He was talking to a group of students, and one of the students said at the end of the lecture, ''Mr. McLeash, would you try to sum up what you have said?'' And he said, ''Yes, I will try.'' He said, ''Don't forget the thing.'' And the student said, ''What do you mean, Mr. McLeash, by 'the thing'?''

Mr. McLeash said, ''I will tell you what 'the thing' is. You know, so many times in life we judge ourselves, are we a Congressman, a Senator, a head of this or in charge of that, what we do. The thing is not what we do, but what we are.'' And what you are and what you are to us and will continue to be, this is not a finite thing, it is more than I can express.

Obviously there are things that are important to me, what you have done in terms of our transportation in upstate New York, Route 17 or I–86, to be exact, extraordinary. Not only have you been able to do things which have really helped and opened up what could be an economic wasteland, and is not because of your efforts; but you put it all in perspective, such as many times in discussions we have, going away back, 30, 40 years, Governor Dewey and some of the things he was trying to do. It was very, very helpful.

I also remember being I think it was in the Cannon Caucus Room when Bob Dole decided he was going to step out of the race in 1988. And who was there from the other side? It was you. You did not have to be there. I do not know whether anybody asked you, but you were there to lend support to your colleague.

Also I remember the times that we have been at Seneca Falls and the Women's Hall of Fame and the importance of women's issues in this country.

I could go on and on, but I want to go back to what Mr. McLeash said, it is what you are, rather than what you have done.

There was a wonderful statement that George Patton made to the Third Army in 1945, and it goes this way: ''The highest honor I have attained is that of having my name coupled with yours in these great events.'' I echo that now with you, sir.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. CROWLEY) is recognized during morning hour debates for 2 minutes.

Mr. CROWLEY. Mr. Speaker, time will not permit me to read my prepared remarks, Senator, so I will just summarize them. As a veteran of Hell's Kitchen, I went to Power Memorial High School in Hell's Kitchen, so we have that in common.

As a veteran of World War II, as a veteran of academia, as a veteran of four administrations serving as a cabinet official or sub-cabinet official, as a veteran of the U.N. and as a veteran of the United States Senate, what a career, what a life, a life that would be admired and is admired by all Americans. But especially we in New York admire you for your service to our State, to our city and to our country.

You have been an inspiration to millions of Americans, especially to the poor, for your work in dealing with the poor and helping those who are least fortunate. Really, I believe following through on the beliefs that you were taught as a young man I am sure and throughout your entire career, you have stuck to them, always looking out for the most unfortunate among us.

We are going to miss you here in Washington, but we are going to have you, we hope, a lot more back in New York where we can all cherish you as we have right now.

In the words of our ancestors, let me summarize by saying, may the road rise up to meet you, and may the wind be always at your back, your wife Liz's back, and your entire family.

God bless you, Senator.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. KING) is recognized during morning hour debates for 5 minutes.

Mr. KING. Mr. Speaker, Senator MOYNIHAN has often said that there is no sense in being Irish unless you realize that some day, somehow, the world is going to break your heart. Well, obviously the hearts of New Yorkers are broken by the stepping down from the Senate of Senator MOYNIHAN. But, at the same time, we as New Yorkers can rejoice in the absolutely unparalleled contributions he has made to our country, to our State, and also in the fact that he is the quintessential New Yorker.

Whether it was growing up in the streets of New York, shining shoes, working on the docks, working for Governor Harriman, running for the president of the New York City Council many years ago, serving as ambassador to the U.N. in New York where he stood up for the dignity of people everywhere, where he almost single-handedly denounced the resolution against Zionism, a man who was willing to always come to the brink, to stand and fight for what was right. Certainly during the 24 years he has been in the United States Senate, he has never allowed partisanship to in any way interfere with the job that he did.

The gentleman from New York (Mr. BOEHLERT) stated that he has the privilege of being your Congressman. I got the short straw. I represented Senator D'Amato for many years as his Congressman. I remember the many conversations I had with Senator D'Amato, where he would say how you were invaluable to the Senate, how partisanship never entered into the relationship you had, going back to the very first meeting after his election you had with him in the Hotel Carlyle in Manhattan.

I remember Senator D'Amato preparing for that meeting with you, and afterwards saying, ''I just met the greatest guy in the world.'' From that day forward you forged a close relationship.

But that really personifies the relationship you had with all the people of New York. You were always there. You were, on the one hand, always defending the institutions of the United States, but, at the same time, willing to challenge accepted thinking.

Your book Beyond the Melting Pot certainly redefined the importance of ethnicity in the United States, the fact that you were willing to challenge Federal programs that were not working, which certainly antagonized people on the left; but then you went against people on the right by telling them that we had much more to do to strengthen the American family, we

had more to do to be responsive to those who were being left behind in good economic times.

Senator MOYNIHAN, it really is a privilege for me as a Member of Congress to be able to join in this tribute to you. It certainly was a great meaning to me as a New Yorker for many years, whether it was reading your books, whether it was trying with my thesaurus and dictionary trying to understand all of your speeches and op-ed pieces in the New York Times and intellectual journals, whether it was always being challenged and sometimes provoked, other times really just put to the test by trying to measure up to the standards you set by answering the questions that you were posing; and you real personify what it means to be a Senator.

You are a man of Hell's Kitchen and a renaissance man; a working man and a Harvard professor; a street politician who ran for president of the city council; and a diplomat who walked with world leaders.

So I am again honored and privileged to be able to serve with you in the United States Government, but, most importantly, to be here today, and also to not really make a request, but almost impose upon you to say you have an obligation to work with us for all of your remaining years, to keep those columns coming, those op-ed pieces, to keep the letters and speeches coming, and never, ever stop probing our conscience, making us take that extra step to work for our constituents and the meaning of the United States.

Thank you, Senator MOYNIHAN.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. LOWEY) is recognized during morning hour debates for 3 minutes.

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to a great public servant and a dear friend, Senator Daniel Patrick MOYNIHAN. It is hard to believe, but we know you are going to stay fighting with us all this time.

Senator MOYNIHAN has served our country honorably through more than 4 decades of public life and four distinguished terms as Senator from New York. I want to especially salute Liz, our friend, your soulmate, your champion, your partner, your friend and fighter for all the causes that are good in New York and this country. We know you are going to continue to fight with us, Liz.

As a New Yorker, it has been an honor to be represented by Senator MOYNIHAN; and, as a Member of Congress, it has truly been a privilege for me to work with him. A leading advocate for New York's renowned medical schools and teaching hospitals, Senator MOYNIHAN has fought tirelessly to make sure that New York receives the Federal health care dollars that it deserves.

As a member of the Irish caucus, I have seen firsthand Senator MOYNIHAN's passionate commitment to establishing peace with justice for the people of Northern Ireland. Senator MOYNIHAN has also worked relentlessly to strengthen the United States-Israel relationship and to bring peace to that troubled region.

Yet Senator MOYNIHAN's storied legislative career, numerous political appointments and 62 honorary degrees are only part of what makes him so remarkable. Anyone who has had the pleasure of his company or the opportunity to work and fight by his side knows that his eloquence, intellect and dignity have made him a model leader for all Americans and a venerable advocate for the people of New York.

Indeed, Senator MOYNIHAN has been a guiding light on so many issues critical to the American landscape, perhaps nowhere more evident than his lifelong commitment to ending poverty in this country. With his incisive intellect, his boundless passion, Senator MOYNIHAN has worked tirelessly to speak for those who have no voice and to mend the social fabric of our Nation.

I know I speak for all New York and the Nation when I say that this institution will lose a brilliant mind when Senator MOYNIHAN retires next year, but we will continue to have your brilliant mind in fighting with us on all these critical issues that mean so much to New York and this country.

I will always treasure the time I have served with and have been represented by my good friend, Senator DANIEL PATRICK MOYNIHAN. We wish you well. Godspeed to you, Liz, as well.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. Meeks) is recognized during morning hour debates for 1 minute.

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to join my fellow colleagues in honoring the distinguished Senator from New York. For almost a quarter of a century, DANIEL PATRICK MOYNIHAN has represented the interests of the people of New York with a thoughtful, diplomatic leadership presence in the Senate. He has defined politics of civility.

His experience and expertise in domestic policy, foreign policy, science and the arts has guided our country through some of her toughest challenges. As a new Member of Congress seeking guidance, Senator MOYNIHAN and his staff were there for me whenever I called on them on behalf of the constituents of the 6th Congressional District.

Senator MOYNIHAN's professional story during four honorable Senate terms serves as a powerful contrast to the prevailing cynicism about politics and public service. PAT MOYNIHAN has been a larger-than-life figure for New York and the Senate, being a true role model and a great leader, with grace and wisdom, that has made all Americans proud, no matter what party, race, sex, religion or creed, no matter whether you are rich or you are poor. Indeed, Senator MOYNIHAN, your career has been about bringing people together. What a great legacy, about bringing people together and caring for all.

Open behalf of my constituents, I thank Senator MOYNIHAN for his dedication and distinguished public service; and I wish him and his wife, Liz, all of God's blessing. The people of New York will miss him greatly. So will the Congress, and so will our country.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. KELLY) is recognized during morning hour debates for 3 minutes.

Mrs. KELLY. Mr. Speaker, when I first met Senator DANIEL PATRICK MOYNIHAN, it was early in his career. As a graduate of the Fletcher School of Law and Diplomacy at Tufts University in Medford, Massachusetts, he was, with characteristic concern for quality education, working with my husband and others to form a New York chapter of the Tufts Alumni Association. Its purpose was to found and fund scholarships and identify bright young students who would benefit from a college education. I remember then thinking how impressive he was in his grasp and understanding of the need of a quality education for all and the need for its early recognition.

When DANIEL PATRICK MOYNIHAN ran for Senator from New York, it was as native son come home. A list of Senator MOYNIHAN's accomplishments would run on for hours, and we have heard many of them recounted here today. However, the most important things I believe so many will remember about him will be the fact that he changed their lives. He changed so many by applying intellect and concern for policy over politics.

During his distinguished career, many people gained a better quality of life and many people were able to better understand the government's functions, thanks to his thoughtful work.

Senator MOYNIHAN, it has been a great pleasure to work across the aisle from this House to the Senate and with you. We thank you for your hard work,

and I thank you also for the work of your excellent staff. Although Washington may miss you, sir, we welcome you back to New York.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 2 minutes.

Ms. NORTON. Mr. Speaker, I am pleased that a non-New Yorker has been able to get a word in edgewise this morning. I come to the floor as a fourth generation Washingtonian to pay tribute to a great New Yorker and a great American. Actually, I was a New Yorker. I was Chair of the New York City Human Rights Commission and I was the executive assistant to Mayor John Lindsey. The Senator introduced me when I was nominated to be the Chair of the Equal Employment Opportunity Commission.

But I come this morning because Washingtonians would want me to come and other Americans would want me to come to thank the Senator for what he has done for the Nation's Capital, and, therefore, for his country. This is only one of the unique roles the Senator has managed to carve out in 25 years in the Senate.

As an African American, I also thank him for the prescient role he played in pointing out difficulties in the black family, a position that has now been embraced by black leadership themselves. As an academic, I thank him for his work as a public intellectual. I fished out only two of the many books he has written from my bookcase this morning. How he has managed to write books and be a Senator, this academic still does not understand.

The lasting monument of this great man, I must say to you, for this city and the country, is surely his work in resurrecting Pennsylvania Avenue. From the Capitol to the White House, instead of a slum, the American people now see an avenue the equivalent of the Champs Elysee. It would not have been that way were it not for the determination and the sheer persistence of DANIEL PATRICK MOYNIHAN.

We will not have to rename The Avenue for you, Senator, in order to remember you. We will remember your work on Pennsylvania Avenue by our ongoing work and by your remarks in your Jefferson lecture at the University of Virginia in April, where you said, ''In all a reassuring tale. An urban design, indivisible from a political-constitutional purpose, endured during two centuries and has now substantially prevailed. Pennsylvania Avenue lively, friendly and inviting. Yet of a sudden closed. Just so. In 1995, blockades went up at 14th Street and at 16th Street in front of the White House. Blockades and block houses. Armed Guards.''

We will open The Avenue for you, Senator.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. HINCHEY) is recognized during morning hour debates for 3 minutes.

Mr. HINCHEY. Mr. Speaker, DANIEL PATRICK MOYNIHAN has been valued and will continue to be valued for his wisdom on a kaleidoscopic range of subjects, for his prescient and nuanced analysis of social problems, his persistent and eloquent defense of government support for the poor and the disadvantaged, long after that position had become unfashionable; for his role in international affairs, as a participant and observer; as courtly diplomat and passionate defender of democracy. His example, his independence of mind, his indifference to fashion, his rejection of cant and conventional wisdom, is perhaps the best demonstration of why his favorite cause, the dignity of the free individual soul, matters so much.

Perhaps the proudest achievement of our country and our democratic system is that we allow people like DANIEL PATRICK MOYNIHAN to speak their minds and rise to power.

His particular legacy to New York lies in his understanding that the lives of free individuals can be enhanced by the beauty and grandeur of all that surrounds them: the landscape, the streetscape, and the history that underlies them. So he made it his mission to see that our home, New York, would retain its distinguished features and add to its beauty and eloquence.

He committed himself to enhancing everyday life and to landmarks that spoke of the dignity of ordinary people, the efforts of the forgotten, and the conviction that every person matters. So throughout his Senate career, he worked to protect the landmarks of the women's rights movement in Seneca Falls, because he knew that the more celebrated proclamations of liberty in Philadelphia rang a little hollow for more than half the American people.

He worked equally hard to give Federal recognition to the Erie and Champlain Canals in New York, because he knows that the working folk who dug the ditches and piloted the boats, whose names we have forgotten, were more responsible for the westward expansion of our country and the opportunities it opened than the more celebrated frontier explorers.

He is working now to protect Governors Island in New York Harbor, the island most people ignored because its work was the daily grind of protecting the harbor, the overlooked work that sustains us. He has directed Federal funds to the protection of an ordinary businessman's house in Buffalo, because that little known man, Darwin Martin, had the daring and foresight to build a place of no pretension, but great beauty, by hiring an unregarded architect named Frank Lloyd Wright.

PAT MOYNIHAN insisted that public spaces where ordinary people pass daily and conduct their mundane business should remind them of their dignity and the soaring ideals of the American endeavor. So he insisted that the New York courthouses should be fine, even grand places, and he devoted himself to the rebirth of Pennsylvania Station as a place of splendor, a worthy replacement for the building we lost when people believed that public places should be drab and functional.

Of course, here in Washington, we know that it was PAT MOYNIHAN more than any other person who saw to it that Pennsylvania Avenue was also reborn, and again became a place of eloquence and beauty, appropriate to its place as the main boulevard of our Capital.

PAT MOYNIHAN made his home in New York, appropriately at the crossroads of the ordinary and the ideal, a tiny rural settlement named in honor of a classical poet, the Hamlet of Pindar's Corners. His home there at the same time was a modest rural farmhouse and a Greek temple, a common 19th century architectural style in upstate New York, but one rarely seen today.

His blending of the common, the human, the mundane, and of the highest ideals and greatest dignity, is a reflection of America at its best, what this country is all about. Nothing could be more appropriate for the man who best reflects that same vision, DANIEL PATRICK MOYNIHAN.

Mr. Speaker, PAT MOYNIHAN has always appeared larger than life. From the day he arrived in the Senate as a freshman in 1977, he was not just another Senator. He has always stood apart. He is one of the few Senators of whom it can be said that his name is just as powerful, just as important, whether the title ''Senator'' is attached or not. After most of us leave Congress, the world has much less interest in what we have to say. But that will not be the case with PAT. When he speaks—whether he is Senator MOYNIHAN, Professor MOYNIHAN, or just DANIEL PATRICK MOYNIHAN—the world listens.

He has been valued, and will continue to be valued, for his wisdom on a kaleidoscopic range of subjects—for his prescient and nuanced analysis of social problems, his persistent and eloquent defense of government support for the poor and disadvantaged, long after that position had become unfashionable, for his role in international affairs as participant and observer, as courtly diplomat and passionate defender of democracy and freedom. His own example—his independence of mind, his indifference to fashion, his rejection of cant and conventional wisdom—is perhaps

the best demonstration of why his favorite cause—the dignity of the free individual soul—matters so much. Perhaps the proudest achievement of our country and our democratic system is that we allow people like DANIEL PATRICK MOYNIHAN to speak their minds, and rise to power.

Any list of his achievements will be long. But we New Yorkers have some more particular and parochial reasons to thank him and to honor him, and reasons to be proud that we sent him to the Senate. He was born in Oklahoma, of course, and spent much of his professional life before he came to the Senate in Massachusetts. But we New Yorkers embraced him as he embraced us, and we will always be proud to count him as one of us.

His particular legacy to New York lies in his understanding that the lives of free individuals can be enhanced by the beauty and grandeur of all that surrounds them—the landscape, the streetscape, and the history that underlies them. So he made it his mission to see that our home, New York, would retain its distinguished features and add to its beauty and elegance.

It is telling that PAT MOYNIHAN did not put his greatest efforts into the more obvious treasures of the State, or into monuments to the great and famous. instead, he committed himself to enhancing everyday life, and into landmarks that spoke of the dignity of ordinary people, the efforts of the forgotten, and the conviction that every person matters. So throughout his Senate career he worked to protect the landmarks of the women's rights movement in Seneca Falls, because he knew that the more celebrated proclamations of liberty in Philadelphia rang a little hollow for more than half the American people. He has worked equally hard to give federal recognition to the Erie and Champlain Canals in New York, because he knows that the working folk who dug the ditches and piloted the boats whose names we have forgotten were more responsible for the westward expansion of our country and the opportunities it opened than the more celebrated frontier explorers. He is working now to protect Governors Island in New York Harbor—the island most people ignored because its work was the daily grind of protecting the harbor, the overlooked work that sustains us. He has directed federal funds to the protection of an ordinary businessman's house in Buffalo because that little known man, Darwin Martin, had the daring and foresight to build a place of no pretension but great beauty by hiring an unregarded architect named Frank Lloyd Wright.

PAT MOYNIHAN has not just looked to protect our history, however. In a time when public buildings and public spaces were given little regard, and their design was contracted to the low bidder PAT MOYNIHAN insisted that public spaces where ordinary people pass daily and conduct their mundane business should remind them of their dignity and the soaring ideals of the American endeavor. So he insisted that the new courthouses in New York should be fine, even grand places, and he devoted himself to the rebirth of Pennsylvania Station as a place of splendor, a worthy replacement for the building we lost when people believed that public spaces should be drab and functional. Of course here in Washington we know that it was PAT MOYNIHAN, more than any other person, who saw to it that Pennsylvania Avenue was also reborn, and again became a place of elegance and beauty appropriate to its place as the main boulevard of our Capital. I believe that New Yorkers and the Nation will thank him for his work on restoring aesthetics to community life for a long time to come.

Typically, though, PAT MOYNIHAN did not focus on just a few great buildings and monumental spaces. One of his finest achievements, in my view, was his imaginative and inventive idea for financing what he called "enhancements" with highway money—parks, gardens, beautification, historic restoration, and other improvements of the landscape and the community, available to every place touched by a federally funded highway. Most of these enhancements are small changes in ordinary communities, changes that touch the life and lift the spirits of all those who see them and use them. Most people don't know that PAT MOYNIHAN had anything to do with them, but they may be one of his most lasting legacies to our Nation.

PAT MOYNIHAN made his home in New York, appropriately at the crossroads of the ordinary and the ideal—a tiny rural settlement named in honor of a classical poet, the Hamlet of Pindar's Corners. His home there was at the same time a modest rural farmhouse and a Greek temple, a common nineteenth century architectural style in upstate New York, but one rarely seen today. This blending of the common, the human, the mundane, and of the highest ideals and greatest dignity is a reflection of America at its best, what this country is all about. Nothing could be more appropriate for the man who best reflects that same vision, DANIEL PATRICK MOYNIHAN.

Mr. LAZIO. Mr. Speaker, we are here this morning to honor Senator DANIEL PATRICK MOYNIHAN, who will soon be concluding a distinguished career of public service. Senator MOYNIHAN's curriculum vitae extends over 44 pages. As one reads, one can not but be astounded that a single person could achieve so much, in so many areas.

During World War II, DANIEL PATRICK MOYNIHAN left college after one year to serve his country as a Naval officer. Returning to the United States after the war, he went on to become the sole person to ever serve 4 successive administrations at the Cabinet or Sub-Cabinet level. He served Presidents Kennedy, Johnson, Nixon and Ford in such roles as Cabinet Assistant Secretary, Counselor to the President, Assistant to the President, Ambassador and President of the U.N. Security Council. In 1977 he was elected to the United States Senate, a post that he has held until today. Throughout the course of his career, Senator MOYNIHAN has been the recipient of countless honors, ranging from honorary degrees from universities throughout the world, to awards from a variety of groups far too numerous to mention.

Yet, as outstanding as his record of achievement has been, what has always impressed me is the independence of mind that has consistently characterized DANIEL PATRICK MOYNIHAN's views, statements and policy positions. During the early 1970s, DANIEL PATRICK MOYNIHAN incurred the wrath of many critics when he came out with a report on the social crisis posed by the explosion in out-of-wedlock births that was as prescient as it was controversial. Serving as our Ambassador to the United Nations, he spoke eloquently and forcefully in defense of Israel, when the infamous "Zionism equals Racism" resolution was passed in that body.

As a United States Senator, DANIEL PATRICK MOYNIHAN's willingness to take on the unpopular, yet necessary issues has remained intact. For years, when the conventional political wisdom was that Social Security reform was the "third rail of politics," DANIEL PATRICK MOYNIHAN talked of the impending crisis of solvency for Social Security. He has similarly been willing to buck the tide of political convention and correctness.

To put it quite simply, DANIEL PATRICK MOYNIHAN is one of the most honorable public servants I have ever met. His presence in the United States Senate will be sorely missed. He is a New Yorker, through the through, and has been a truly eloquent voice in Washington for all of us in the Empire State. I would be deeply honored to serve as his successor.

As he embarks upon a new chapter of his life, I would like to wish him Godspeed, secure in the knowledge that whatever new challenge DANIEL PATRICK MOYNIHAN next chooses to address will be met with the same courage, determination and raw talent that has brought him success throughout his long and distinguished career.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks relating to this tribute to Senator DANIEL PATRICK MOYNIHAN.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Fulfilling Hebrew psalms and Christian exhortations, may all in this House and in this Nation be of one mind, sympathetic, loving one another, compassionate and humble.

Let no one return evil for evil, or insult for insult. On the contrary, make us a blessing for others, for this is our calling.

As God's children, we will inherit a blessing so far surpassing the momentary trouble we face and the inscrutable behavior we suffer.

God, Your blessing does not rest only on us. God's blessing, once revealed, so penetrates our being and all our relationships that we become a blessing for all our brothers and sisters in the human family, now and in the future, and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). 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 pro tempore. 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.

CELEBRATING THE TWENTIETH ANNIVERSARY OF THE REGULATORY FLEXIBILITY ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to commemorate the 20th anniversary of the enactment of the Regulatory Flexibility Act.

Over 20 years ago, several Members of this House, along with Members from the other body, worked tirelessly and in a bipartisan fashion to advance the interests of small businesses caught in the endless stream of new regulations pouring out of the Federal government. Regulatory agencies and executive departments were constantly advancing new regulations with a one-size-fits-all approach. This approach to regulation was destroying our small businesses.

A handful of visionaries came to the rescue with the Regulatory Flexibility Act which is often referred to as the magna carta of small business rights. It was advanced in a bipartisan manner by a group of individuals who deserve our praise today.

Members of the House who led the charge back then were Andy Ireland, the gentleman from Missouri (Mr. SKELTON) and Neal Smith. Their colleagues in the Senate were John Culver and Gaylord Nelson. From the business community, there were many individuals who contributed to this effort, most notably John Motley and former Congressman Mike McKevitt. And, of course, as with most things we do, there was exceptional staff work done on making the Regulatory Flexibility Act a reality, most notably the contributions of then the House Committee on Small Business staffer, Stephen P. Lynch.

Happy birthday Reg Flex Act.

REFORM FOR SENTENCING OF SEX OFFENDERS

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

Mr. TRAFICANT. Mr. Speaker, a 22-year-old Boston transvestite kidnapped and molested a 12-year-old boy with a screwdriver. After all of this, the judge said there is just a little too much hype about this case. Thus, Judge Lopez sentenced this sex offender to 1 year probation and no jail time.

Unbelievable. What is next? Country clubs for child molesters? Think about it. These courts are so screwed up, admitted serial murderers get 3 square meals, TV, law libraries, and air-conditioning.

Beam me up. I say there should be a court-ordered sex change on this transvestite performed by Dr. Lorena Bobbit in Boston, Massachusetts. That would stop this garbage.

I yield back the fact that this judge should be removed from office.

CAMPAIGN CONTRIBUTIONS FROM HOLLYWOOD UNDERMINES CANDIDATE CREDIBILITY

(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, on August 10, 1999, there was an article in the Los Angeles Times. AL GORE was in Hollywood raising money for his campaign.

The Los Angeles Times reported that he told these big Hollywood contributors in very clear terms that a probe into Hollywood violence was the President's idea, not his. These Hollywood big wigs make a lot of money from violent movies and did not like the idea of Washington politicians meddling with their profits.

Well, Mr. Speaker, that investigation that AL GORE once disavowed is complete and it turns out that these Hollywood types have been marketing violent movies and video games to 12-year-olds. Even President Clinton is mad. But AL GORE has accepted over $13 million in donations from this special interest industry.

Now, AL GORE wants us to believe that he is going to do something about violent movies, video games and music lyrics. Would it seem too cynical if I said, quite simply, I do not believe it.

CALLING FOR RECALL OF CONTAMINATED GENETICALLY ENGINEERED CORN

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

Mr. KUCINICH. Mr. Speaker, we are told over and over again that the Food and Drug Administration is protecting the food supply by carefully scrutinizing this new genetically engineered food technology with full consideration for our safety. We are told over and over again that the biotech food industry will protect us. We are told over and over again that genetically engineered food is safe.

Mr. Speaker, my colleagues may have heard the startling new reports that unapproved genetically engineered corn has contaminated the Taco Bell taco shells found on our grocery store shelves. This corn has not been approved by the EPA for human consumption because of their concern for allergens.

The GE food industry, the genetically engineered food industry fails the American public and they are losing the public's trust in this matter.

Yesterday, the FDA announced that they will recall the product if their own testing confirms the contamination. I am asking Members to please sign my letter to the FDA asking for the recall and the FDA testing of more products that might contain this illegal corn variety.

DIGITAL DIVIDE ACCESS TO TECHNOLOGY ACT

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

Mr. WELLER. Mr. Speaker, let me share some statistics with my colleagues. Over 100 million Americans today are online, and seven new Americans go on line every second. One-third of all new jobs today are created in the technology sector, and in my home State of Illinois, salaries of technology workers are 59 percent higher than other traditional jobs.

There is great opportunity in this new economy, but educators tell me they notice the difference back home in our schools between those children who have computers and Internet access at home and those who do not. When we ask why they do not, they always say that the cost is the biggest challenge.

Well, the private sector, Ford, Intel, Delta and American Airlines have stepped forward to provide Internet-accessed computers for their employees. Unfortunately, the IRS wants to

tax it. For a worker making $27,000 a year, that means $200 in higher taxes, just because their employer provides them with a computer. Think about that. The janitor, the assembly line worker, the laborer, their children having Internet access and a computer at home to do their school work.

Mr. Speaker, it is good policy; and I am glad to see the private sector stepping forward.

That is why I want to ask my colleagues to join with me in cosponsoring the DDATA Act, legislation that clarifies that employer-provided computers and Internet access are tax free, treated the same way as an employer-provided pension or health care benefit.

The DDATA Act is pro worker, pro education, and pro technology. Let us stop the IRS from taxing these kinds of employer benefits.

IMMIGRANTS IN HIGH-TECH INDUSTRY PROVIDE ECONOMIC SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is possible for this great body to address the concerns of many, if there is an effort to deliberate and concentrate and generate a solution.

This week, we may have the opportunity to look closely at the needs of our high-tech industry with respect to additional personnel. It is called the H1–B nonimmigrant visas. As many of us have heard and as the country has heard, this high-tech industry has been an anchor of our economic boom.

However, at the same time, there are serious humanitarian issues that I believe warrant our consideration. One of them deals with the providing of late amnesty options for thousands upon thousands of immigrants who have been living in this country and paying taxes, buying homes and raising their children, but because of an INS mistake, were not able to apply for late amnesty. Then we have the parity that needs to occur for Central America similar to that given to any Nicaraguans and Cubans so that the fairness will allow families to remain united.

Then, as we look at the nonimmigrant visas, it is important to protect American workers and to provide opportunities for employment in the high-tech industry for African Americans and Hispanics. We can do good if we put our minds to it.

PRESIDENT CALLS FOR MORE TAX COLLECTORS AT IRS

(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 astounds me and most of my fellow Nevadans as well when we hear that the Clinton-Gore administration intends to veto the Treasury-Postal appropriations bill, a bill which this Chamber passed just last week; veto it simply because the bill does not give enough money to the IRS.

The IRS is demanding $224 million more than their current $8.6 billion budget to pay for 5,000 more tax collectors.

Mr. Speaker, what the American people need is not more tax collectors; what the American people need is a tax break. The overwhelming tax burden currently placed on the American families is simply unconscionable and by vetoing the Treasury-Postal bill President Clinton also vetoes the repeal of the telephone excise tax, a tax passed over 100 years ago to fund the Spanish American war.

Not one single Nevadan has ever asked me to fight for more IRS tax collectors. Americans do not want the bloated bureaucracy of the IRS to expand; they want and deserve a tax break.

AMERICA SHOULD BE STRONG PARTICIPANT IN UNITED NATIONS

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

Mr. McDERMOTT. Mr. Speaker, I come before the House today to talk for 1 minute about today being United Nations Day. It is also the beginning of the decade of peace in the world. They are trying to begin to emphasize how to bring peace in a variety of different places across the globe.

It is important for us in this body to recognize the important part we play, not only by our contributions to the U.N. in which we have lagged seriously behind, but in our support for what goes on.

The United States has, from time to time, supported the U.N. when it has been in our interests and at other times we walk away from them. But as we look across the globe with all of the places, Sierra Leone or Liberia or Somalia, when we look, we see always that the U.N. sometimes has our support and sometimes does not.

Now, if we are going to be the leader of the world, we certainly are economically, but if we are politically going to be leaders of the world, we must participate in the United Nations in a very strong way. That means paying our dues.

GENERICS ARE CRITICAL IN ADDRESSING HEALTH CARE COST ESCALATION

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

Mr. CALVERT. Mr. Speaker, I do not have to tell Members of this body that health care inflation is out of control. Our constituents are telling us that every day.

They are feeling the effects of medical costs that increased over 10 percent in 1999 alone. The latest projections are that health care inflation will outpace overall inflation for many years to come. This poses a significant threat to American families, government programs, and employers who are shouldering a growing burden of the U.S. health care costs.

One solution to this problem is to increase the availability of generic drugs. Generic drugs deliver the same health results as brand drugs, but generics cost 70 percent less on average than the brands they replace. The savings are significant.

A new report released by Sanford University in Alabama shows that for every 1 percent increase in generic drug utilization, consumers, taxpayers and employers save over $1 billion in prescription drug costs. It is clear that the greater use of generic drugs must be a part of the plan to cure the Nation's ailing health care system.

□ 1015

GENERIC DRUGS

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, most Americans know that the cost of pharmaceutical drugs is at a record high. Prescription drug costs rose 85 percent between 1993 and 1998, and prescription drugs represent the highest out-of-pocket expense for three out of four senior citizens.

Generic drugs are FDA approved to be safe and to be secure, but they cost 70 percent less than brand name drugs. The fact of the matter is, there are loopholes in today's laws that block entry to these affordable generic drugs.

This Congress needs to reform the Hatch–Waxman Act to improve competition and make our markets more accessible and fair. Let us end the brand drug monopoly that stifles competition, restricts our consumers' choice, and raises consumer drug prices.

CHILDHOOD CANCER AWARENESS MONTH

(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, the month of September is Childhood Cancer Awareness Month, and I am proud

to stand here wearing my gold ribbon of hope and voice my support for the children and families who are affected by this disease.

Cancer causes more deaths during childhood than any other disease. This year an estimated 12,400 children will be diagnosed with cancer, and 2,300 will die. Though we celebrate with the survivors and their families, we cannot forget the children who will, unfortunately, succumb.

That is why I am preparing to introduce legislation on behalf of these children and their families that will support them through the hospice care. Later this month, the gentleman from Virginia (Mr. MORAN) and I will host a conference for Members and staff in order to address the challenges concerning hospice care for children and share our ideas and examine questions regarding this serious topic.

I hope my colleagues will support this legislation, the conference, and Childhood Cancer Awareness Month.

GENERIC DRUGS PROVIDE AFFORDABLE HEALTH CARE ALTERNATIVE

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

Mr. GOODE. Mr. Speaker, today over 40 million Americans lack adequate health insurance coverage and millions more are struggling to cover their health care bills. Unfortunately, seniors and children are among the groups most vulnerable in American society. Finding solutions to this health care crisis has to be at the top of our agenda.

Fortunately, there is help. Right now, generic drug companies are producing lifesaving and life-improving medicines that cost substantially less than brand name drugs. In fact, generic drugs provide one of the best values in the United States health care system. The substantial savings provided by generic drugs means more Americans can buy the medicines they need. It also means that through greater use of generic drugs, public health programs, like Medicaid and Medicare, can manage to help more Americans.

Generic drugs should be a key part of any prescription drug program approved by this Congress.

BRAND NAME AND GENERIC DRUGS ARE INTERCHANGEABLE

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

Mr. PALLONE. Mr. Speaker, does anyone in the Chamber know the difference between Zantac and Ranitidine Hydrochloride? Here is the answer: Price. Zantac is the brand name of a popular medication to treat ulcers. Ranitidine Hydrochloride is the generic name of the exact same drug.

The Food and Drug Administration ensures that whether a consumer uses a drug by its brand name, such as Zantac, or a drug that goes by the generic name, such as Ranitidine, they will receive the same active ingredients and the same health benefits. To quote FDA Commissioner Jane Henney, ''If the FDA declares a generic drug to be therapeutically equivalent to an innovator drug, the two products will provide the same intended clinical effect.''

This is important, Mr. Speaker, because if we ever hope to bring health care inflation under control, we have to understand that brand drugs and generic drugs are truly interchangeable. Through greater use of high quality, less costly generic drugs, we can have truly affordable and effective medicine.

If we check our medicine cabinets, we find that there are more affordable generics available for many of these expensive prescriptions.

ADMINISTRATION HAS FAILED TO RESOLVE OIL CRISIS

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

Mr. BALLENGER. Mr. Speaker, first let me say the Federal Reserve has done a great job in keeping our economy strong and growing. Unfortunately, the Clinton-Gore administration's lack of a coherent energy policy threatens that very economic prosperity.

As I speak, fuel prices around the Nation and around the world are skyrocketing as the price of oil tops $37 per barrel. Rising fuel prices affect every sector of the economy and eventually every American.

Airlines are increasing fares; truckers, who deliver our food, medicine, and virtually everything else are straining to meet their contractual obligations and pay for fuel that is now costing an average of $1.62 cents a gallon. As consumer prices rise, consumer spending will decrease, leading to sluggish sales, larger inventories and slower growth.

So, Mr. Speaker, what is the administration's answer to the pending crisis? Well, instead of using the 8 years they had in office to develop an energy policy which would have prevented this crisis, the Clinton-Gore administration squandered those opportunities and now is only offering last-minute solutions, like begging Saudi Arabia to increase oil production.

For an administration that has not been ashamed to take all the credit for the current economy, I hope they do as much to solve this crisis than just admit, as they did in the spring, that they fell asleep at the switch.

BLUE RIBBON PANEL SHOULD BE FORMED TO PROTECT RIGHTS AND LIBERTIES OF ALL AMERICAN CITIZENS

(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, at the time that Wen Ho Lee was first arrested, I met with the Chinese-American Political Association of the greater San Francisco Bay area. Many in that community raised their concerns that he was the target of selective prosecution, of racial profiling, and prosecutorial abuse. As we now see, as that case has started to come to a conclusion with the plea bargain, in fact many of the concerns raised by the Chinese community turned out to be true.

All Americans should be deeply disturbed by the prosecutorial abuse that was raised in this case and used against Wen Ho Lee. This does not suggest that Wen Ho Lee did not have some serious transgressions of the current law and policy, but what his government did to him should cause concern by all Americans.

All Americans are entitled to an impartial review of the actions by all parties to that prosecution. Unfortunately, the congressional committees, the FBI, the intelligence agencies, and all the rest participated in the feeding frenzy at the time of the arrest.

I think maybe we ought to have a national, impartial blue ribbon commission to look at the Wen Ho Lee case and see how we can better safeguard the rights and liberties of all American citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the Debt Relief and Retirement Security Reconciliation Act of 2000, together with such other votes as may have been postponed to that point, will be taken after the debate has concluded on that motion.

Record votes on remaining motions to suspend the rules will be taken later today.

APPOINTMENT OF CONFEREES ON H.R. 4919, SECURITY ASSISTANCE ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees:

Messrs. GILMAN, GOODLING, and GEJDENSON.

There was no objection.

FHA DOWNPAYMENT SIMPLIFICATION EXTENSION ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (5193) to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program, as amended.

The Clerk read as follows:

H.R. 5193

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 ''FHA Downpayment Simplification Extension Act of 2000''.

SEC. 2. EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS.

Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended by striking ''executed for insurance in fiscal years 1998, 1999, and 2000'' and inserting ''closed on or before October 30, 2000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, H.R. 5193, the FHA Downpayment Simplification Extension Act of 2000 would extend existing statutory provisions in the National Housing Act that provides for the manner and method of calculating downpayments by new homeowners closing on mortgage loans insured by the Federal Housing Administration.

This simplification is merely a technical change that rewrites and clarifies downpayment requirements that, over time, have been amended in such a manner that are now unclear and difficult to understand. A simplified or streamlined method would provide savings to homebuyers and a calculation method uniformly understood by the mortgage industry and consumers.

This calculation method would reduce from a three-tiered approach to a two-tiered approach. Its effect would also decrease the amount of downpayments necessary. For example, this streamlined approach will save borrowers of a typical $150,000 home loan approximately $1,000 to $2,000 at closing.

In the 105th Congress this body passed similar legislation. Originally, the legislation was extended through a demonstration project to Hawaii and Alaska. In last year's VA–HUD appropriations act, this body extended the legislation to the rest of the country.

The current legislation will expire September 30. This bill's extension through October 30 accomplishes two goals. First, the extension will allow this committee more time to complete its work and pass the comprehensive housing conference report on H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. H.R. 1776 overwhelmingly passed the House on April 6 by a 417 to 8 vote and includes permanent authorization to simplify the manner of FHA downpayment calculations.

Secondly, and more important, this extension will eliminate any confusion that now exists in the mortgage finance market for the next few weeks where some borrowers would face uncertain downpayments requirements at closing.

Let me close by stressing that the extension of a technical change to the law reflects sound policy and allows creditworthy families greater homeownership opportunities.

I would also like particularly to express my appreciation for the work of the gentleman from New York (Mr. LAZIO), the gentleman from California (Mr. KUYKENDALL), and the gentleman from New York (Mr. LAFALCE) for their leadership in this area.

Mr. Speaker, I am submitting for the RECORD a letter received in support of this legislation by the National Association of Home Builders.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, September 18, 2000.

DEAR REPRESENTATIVE: On behalf of the 200,000 members of the National Association of Home Builders, I am writing to express our support for H.R. 5193, the ''FHA Downpayment Simplification Extension Act,'' which is scheduled to come before the full House of Representatives tomorrow under suspension of the rules. The bill provides a fifteen-day extension of the Federal Housing Authority's (FHA) downpayment simplification. We very much appreciate your consideration of our views.

NAHB is very supportive of FHA's downpayment simplification process. It has been hugely successful in enabling more low-income households to purchase their first home. Given such successes, we support Congress' action to provide a short-term extension until a more appropriate venue—namely through the authorization process—may be utilized and further, that at that time, the downpayment simplification be made permanent.

The simplification is a technical change that rewrites and clarifies downpayment requirements, that over time had been amended in such a manner that makes them unclear and difficult to understand. A simplified or streamlined method provides savings to the homebuyer and a calculation method uniformly understood by the mortgage industry and consumers. This calculation method is reduced from a three-tiered approach to a two-tiered approach. Its effect decreases the amount of downpayments necessary where the borrower is otherwise creditworthy.

Finally, as you may be aware, the issue of extending the FHA downpayment simplification is addressed in H.R. 1776, the ''American Homeownership and Economic Opportunity Act,'' which passed in the U.S. House of Representatives on April 6, 2000 by an overwhelming and bipartisan vote of 417 to 8. Considering the strong support of this housing proposal within the House of Representatives, we continue to urge the Senate to consider H.R. 1776 and either bring it to the floor for a vote, or move to a formal conference with S. 1452, the Senate's manufactured housing legislation as soon as possible.

Thank you for the opportunity to express our views on this important housing issue. We appreciate your continued support for the home building industry and look forward to working with you during the remaining days of the 106th Congress, and into the 107th Congress, as we seek to provide safe, affordable housing for all Americans.

Sincerely,

WILLIAM P. KILLMER.

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

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, I strongly support this 30-day technical extension of the FHA downpayment simplification formula. The bill makes sure that in the event of a VA–HUD appropriations bill not being signed into law by October 1, that FHA borrowers and lenders may continue to use the current simplified downpayment formula in anticipation of a permanent biennial or annual extension of this formula.

This bill is the second development over the last few months which clearly illustrates the folly of the current approach of interim extensions of the FHA downpayment simplification formula. Two years ago, Congress applied this formula nationwide to all 50 States for a period of 2 years ending October 1 of this year. Yet just a few months ago, confusion set into the mortgage markets as many lenders were concerned about the technical language of the 2-year application; whether the effective cutoff date was the day a loan closed or the day that HUD insured it.

□ 1030

We were in the ridiculous situation in which lenders all over the country might have had to revert to the old formula for a month or two, potentially

raising down payment levels, creating confusion, and killing home purchases.

Fortunately, both congressional leaders and HUD concurred that Congress' intent was to refer to the closing date and HUD issued a clarification to that effect, and today's bill explicitly uses this approach.

The second development is today's bill, which highlights the possibility that we will not enact a VA-HUD bill by October 1. This once again raises the very real possibility that an interim extension for down payment simplification could expire unintentionally.

The obvious conclusion is that anything less than a permanent extension of the down payment formula runs the risk that we will be in the same position a year or so from now, facing expiration of the new formula.

Moreover, the approach of a permanent extension was taken in H.R. 1776, the homeownership bill, which passed the House earlier this year. This approach of a permanent extension was taken with overwhelming bipartisan support.

So I think our course should be clear. We should make this formula permanent through whatever legislative vehicle is available in the next few weeks.

Unfortunately, there is a real risk that through inadvertence the down payment simplification formula could lapse for an extended period of time, thereby forcing FHA borrowers and lenders to revert to the old, confusing, anti-consumer formula. This risk was highlighted by an action the other body took last week where a 1-year extension of the down payment formula was put into the VA-HUD bill in subcommittee but then was inexplicably stripped by the majority in full committee.

Thus, the real risk is that, as we simultaneously consider both the fiscal year 2001 VA-HUD appropriations bill and potentially a conference on H.R. 1776, down payment simplification could fall through the cracks, especially in the confusion of the last week or so of this Congress.

That would be a terrible result for the hundreds of thousands of home buyers that use FHA.

Therefore, I ask the chairman of our Committee on Banking and Financial Services that, however these various bills are considered, that we work to ensure that down payment simplification either permanently, as in H.R. 1776, or as an extension, is included in some bill that the President signs into law. And if it is an extension, I hope it will be a long-term extension, although I support the 30-day in today's bill.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, let me say to the gentleman, I concur in everything the gentleman has just said, and it is one of the reasons I am so strongly supportive of getting H.R. 1776 made into public law.

Mr. LAFALCE. Mr. Speaker, reclaiming my time, I thank the Chair for changing this bill from 15 days to 30 days.

Mr. LEACH. Mr. Speaker, if the gentleman will continue to yield, in any regard, I will say to the gentleman that the scenario that he has laid out of possible problems is a credibly unfortunate scenario that could occur, and it is the intent of the Chair to be as vigilant as possible to ensure that it does not occur.

Mr. LAFALCE. Mr. Speaker, I thank the chairman of the committee, and I thank the chairman of the full committee for their comments. I ask all to support this bill.

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

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include extraneous material on H.R. 5193.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HOMEOWNERS FINANCING PROTECTION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3834) to amend the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 to provide loan guarantees for loans made to refinance existing mortgage loans guaranteed under such section, as amended.

The Clerk read as follows:

H.R. 3834

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 ''Homeowners Financing Protection Act''.

SEC. 2. GUARANTEES FOR REFINANCING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts, guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

''(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

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

Mr. Speaker, H.R. 3834, the Homeowners Financing Protection Act, would allow borrowers under the Rural Housing Service (RHS) single-family program to refinance their mortgages to take advantage of lower interest rates with new RHS-guaranteed loans.

Under the current law, RHS borrowers, under the direct or guarantee program, are precluded from refinancing their existing loan with a new RHS-guarantee loan. This anomaly affects low- and very-low-income families who originally qualified for RHS direct mortgage loans.

While the direct loans were meant to provide temporary credit in some circumstances, borrowers were unable to successfully apply for mortgage credit without a government guarantee even though their financial condition had modestly improved.

H.R. 3834 would remove the statutory prohibition from refinancing direct single-family housing loans using the guaranteed program. According to the General Accounting Office, as of May 31, 2000, approximately 9,100 RHS loans exist with an interest rate of 13 percent or higher; 65,000 loans exist with an interest rate of at least 9½ percent. It is clear that these borrowers would benefit from refinancing using the guaranteed program by lower interest rates and, therefore, lower monthly payments.

At the same time, the Federal Government would maximize its resources by providing a more cost-efficient mechanism to ensure homeownership for those sectors of our community that are unable to obtain private-sector financing and insurance.

In conclusion, I would like to thank my friend and colleague, the gentleman from New York (Mr. LAZIO), who is chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER), the gentleman from New York (Mr. LAFALCE), and particularly the gentleman from New Jersey (Mr. ANDREWS) for their work in this area.

CBO has advised the committee that the bill is budget neutral.

Mr. Speaker, I include for the RECORD the following letter from the Housing Assistance Council:

HOUSING ASSISTANCE COUNCIL,
Washington, DC, August 18, 2000.

Representative RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, U.S. House of Representatives, Washington, DC.

Attn: Joe Ventrone & Clinton Jones
Re: Title V Rural Housing

DEAR CHAIRMAN LAZIO: The Housing Assistance Council (HAC) writes you to support a proposal by Rep. Robert E. Andrews to amend Section 502(g) to permit refinancing of certain Rural Housing Service (RHS) direct loans with guarantees under Section 502(h) in Title V in the Housing Act of 1949. Currently, there is no refinancing authority for the 502 loan guarantees. Rep. Andrews' request is supported by a General Accounting Office report, ''Shift to Guaranteed Program Can Benefit Borrowers and Reduce Government Exposure'' (GAO/RCED/ALMD–95/63). We are informed that a change could possibly be moved on the suspension calendar.

HAC earlier responded favorably to the GAO report in a letter to Associate Administer Czerwinski. We believe that the issue is one that should be addressed by Congress and can be done with very little budget impact. The adversely affected families now have higher incomes and can afford payments at current market rates, but are trapped in a situation not foreseen when the legislation was enacted, and which is beyond their control. It is difficult to justify interest payments to the government at rates up to 13 percent when private market rates are so much lower. The affected families had low incomes when RHS helped them attain home ownership. The very program which once helped them now causes them to make excessive mortgage payments.

It is our opinion that mitigating this problem is the right thing for the government to do and that the issue is not partisan in nature. We urge you to include a corrective amendment in legislation you may be developing which includes, or can include, Title V rural housing additions or changes.

Sincerely,

MOISES LOZA,
Executive Director.

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

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

Mr. Speaker, I rise in support of H.R. 3834, the Homeowners Financing Protection Act, and I pay particular attention and give particular credit to the gentleman from New Jersey (Mr. ANDREWS) for highlighting this difficulty for the Congress and for initiating legislative action on this bill.

The bill gives homeowners with existing Rural Housing Service guaranteed and direct single-family loans the opportunity to refinance such loans under the RHS guaranteed loan program.

Permitting such loans would enable homeowners with high interest-rate mortgage loans, in some cases as high as 13.5 percent, to lower mortgage rates and therefore their monthly mortgage payments by a substantial amount.

This is also good for the Federal Government since reduced mortgage payments reduce the default risk on such loans, thereby reducing the risk of foreclosure and payout by the Federal Government.

The bill is drafted with a number of protections for both the homeowner and for the Government. For example, the amount of the refinanced loan cannot be increased except by the cost necessary for the refinancing. This avoids over-leveraging the home. The interest rate on the refinanced loan cannot be higher than the mortgage rate on the existing loan. And the bill limits the Secretary's authority to guarantee refinanced loans to the extent provided in appropriation acts.

Finally, I would note that, with passage of this bill, it is not the intent in the future that this new refinanced loan authority crowd out the issuance of new loan authority. The concern is that, if interest rates were to fall dramatically, homeowners could rush to utilize this new refinance authority, eating into loan authority for new guaranteed loans.

However, this concern can easily be addressed in future appropriations bills through different approaches, including the simple act of providing a sufficient dollar amount of loan authority.

In conclusion, I would again like to commend the very fine work of the gentleman from New Jersey (Mr. ANDREWS), and I urge adoption of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me the time. I rise in strong support of the bill.

Mr. Speaker, one of the hallmarks of this Congress will be the bipartisan cooperation and achievements of the Committee on Banking and Financial Services.

I want to thank the gentleman from Iowa (Chairman LEACH), the gentleman from Nebraska (Mr. BEREUTER), the subcommittee chairman, the gentleman from New York (Mr. LAZIO), and the ranking member, the gentleman from New York (Mr. LAFALCE). They have left their mark on this Congress in some significant and bipartisan ways; and it is a pleasure to serve with each of them. I thank them for their cooperation and the cooperation of the staff in bringing this bill to the floor in the spirit in which the committee has proceeded throughout this Congress.

To understand the importance of this bill, we need to understand what it would be like to be a family with an income of $26,000 or $27,000 a year living in a modest home in a rural area of the United States struggling to pay the bills, struggling to keep up, and confronting a mortgage payment each month that reflects a mortgage of 11 or 12 percent.

Many people in those circumstances would take advantage of recent changes in financial conditions and refinance their mortgage. They would go out and get a loan and pay off their existing mortgage, and they would replace it with one that requires lower monthly payments.

There are a lot of significant reasons why the citizens that I talk about cannot do that. First of all, they probably have a very low income, as I said; and secondly, they build up very little equity in their home, because the way they build up equity is to either live in a house that is appreciating regularly in value or by making early payments against their mortgage that would pay down the principle more quickly than they would interest.

Neither of those happy developments is happening for many of the people who we are talking about affected by this bill.

Presently, the law does not permit the United States Department of Agriculture to issue a loan guarantee or a direct loan in order to facilitate the refinancing of that mortgage loan. This bill changes that. It says that the United States Department of Agriculture can step in and, subject to its guidelines and to the other conditions set forth by the ranking member, can issue a loan guarantee or, where appropriate, a direct loan.

What does that mean to the family that I talked about at the outset of my remarks? Well, it may mean up to about $100 a month in lower mortgage payments, $100 a month more for health care or for education or to meet the other demands of the household. This is a sensible, bipartisan approach to a problem that is affecting a lot of people.

As we heard previously, there are 65,000 borrowers across the country who are paying interest rates in excess of 9½ percent, and there are 9,100 of those borrowers paying interest rates in excess of 13 percent. This is a modest measure that will help those families in a significant way.

I would like to express my appreciation to the staff on both the majority and minority side for their cooperation, to the United States Department

of Agriculture for their steadfast support of this, to Geoff Plague of my office for his outstanding work.

Let me again say to the gentleman from Iowa (Chairman LEACH) and the gentleman from New York (Mr. LAFALCE) and the gentleman from Nebraska (Mr. BEREUTER), and, in his absence, the gentleman from New York (Mr. LAZIO), and also the gentleman from Massachusetts (Mr. FRANK) that I appreciate their cooperation.

I urge the adoption of the bill.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), who has spent so much of his time in this Congress on the housing issues.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Iowa (Chairman LEACH) for yielding me this time and for his kind remarks.

Mr. Speaker, I rise today to express my strong support for the Homeowners Financing Protection Act which is being considered under suspension of the rules.

First this Member would like to thank the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the House Committee on Banking and Financial Services, and the gentleman from New York (Mr. LAZIO), the distinguished chairman of the House Subcommittee on Housing and Community Opportunity, for their collective role in bringing this legislation to the floor today.

In addition, I would like to thank the gentleman from New York (Mr. LAFALCE), the ranking minority member of the House Committee on Banking and Financial Services, and the gentleman from Massachusetts (Mr. FRANK), the ranking minority member of the House Subcommittee on Housing and Community Opportunity, for their efforts on this measure.

□ 1045

Furthermore, the gentleman from New Jersey (Mr. ANDREWS) deserves particular attention, commendation and congratulations for introducing this important legislation. It is important to American homeowners of modest or average income. The gentleman from New Jersey has just given us, very specifically, some of the reasons why it is important to the homeowners and how it affects their pocketbook.

Among other important provisions, this legislation amends section 502(h) of the Housing Act of 1949 to allow borrowers of the Rural Housing Service single-family loans to refinance either an existing section 502 direct or guaranteed loan to a new section 502 guaranteed loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced and the same house is used as security.

This Member supports the legislation because it facilitates the use of the RHS section 502 single family loan guarantee program. In fact, this loan program, which was first authorized with this Member's initiative, with the strong support of now the chairman of the Banking Committee, the distinguished gentleman from Iowa (Mr. LEACH), some years ago and with the support of the distinguished gentleman from New York (Mr. LAFALCE), has been very effective in nonmetropolitan communities by guaranteeing loans made by approved lenders to low-moderate to moderate-income households. The program provides a guarantee for 30-year fixed rate mortgages for the purchase of an existing home or construction of a new home. It has been very good news for the taxpayer. Further the program operates with a minimum of red tape. The examples from my home State of Nebraska, where the program was slow to start, are illustrative of how popular and how important it is for low-moderate and moderate-income Americans.

Mr. Speaker, in closing, for the aforementioned reasons and many others, this Member would encourage support for H.R. 3834 which is being considered today.

Mr. LEACH. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER). I would again stress what an extraordinary role he has played in this House on housing matters.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3834, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. 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. 3834, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, as amended.

The Clerk read as follows:

H.R. 3986

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

SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.

Section 1208 of Public Law 103–434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''OR WATER EXCHANGE'' after ''ELECTRIFICATION'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking ''In order to'' and inserting the following:

''(1) ELECTRIFICATION.—In order to''; and

(D) by adding at the end the following:

''(2) WATER EXCHANGE ALTERNATIVE.—

''(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than $4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

''(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—

''(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;

''(ii) secure the critical right-of-way areas for the pipeline alignment;

''(iii) prepare an environmental assessment; and

''(iv) conduct such other studies or investigations as are necessary to develop a water exchange.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or water exchange'' after ''electrification''; and

(B) in the second sentence of paragraph (2)(A), by inserting ''or the equivalent of the rate'' before the period;

(3) in subsection (d), by striking ''electrification,'' each place it appears and inserting ''electrification or water exchange''; and

(4) in subsection (d), by striking ''of the two'' and inserting ''thereof''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

GENERAL LEAVE

Mr. SIMPSON. 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. 3986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

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

Mr. Speaker, H.R. 3986 authorizes a study of the feasibility of exchanging

water diverted from the Yakima River for use by two irrigation districts for water from the Columbia River. The study would be conducted as part of the Yakima River Basin Water Enhancement Project. The legislation will promote salmon recovery in the Yakima River without reducing the amount of water available to irrigators.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of H.R. 3986. I thank the gentleman from Idaho (Mr. SIMPSON) for yielding me this time.

Mr. Speaker, as Members know, the preservation of salmon in the Pacific Northwest is one of my top priorities in this Congress. I am convinced that we can save this national treasure while also preserving the jobs and quality of life of Pacific Northwest residents. My legislation is just one example of the benefits that could be attained for salmon by interested parties working together at the local level.

Very simply, Mr. Speaker, my legislation authorizes a study of the feasibility of exchanging water diverted from the Yakima River for use by the Kennewick and Columbia Irrigation Districts for water from the Columbia River. The study would be conducted as part of the Bureau of Reclamation's Yakima River Basin Water Enhancement Project, a series of projects authorized by Congress to improve water quality and quantity in the Yakima River. These two systems currently take their water from the lower Yakima River where flows have already been decreased because of upriver diversions. By taking water from the much larger volume of the Columbia River, the impact on threatened and endangered species would be significantly reduced.

Specifically, this project provides the opportunity to increase Yakima River flows at Prosser Dam during critical low flow periods by up to 750 cubic feet per second. This approach will provide over twice as much flow augmentation as the previously approved electrification project and could completely eliminate the Yakima River diversion for the Kennewick Irrigation District. A new pump station and pressure pipeline from the Columbia River will be the cornerstone of a more salmon-friendly Kennewick Irrigation District.

This project is a winner for both fish and water users. It balances the need to improve habitat for threatened species while protecting water rights. Preliminary results from a lower reach habitat study indicate that these increased flows would greatly help salmon and bull trout. In addition, this proposal would provide substantial water quality improvements in the Yakima River.

It is important to note that a change in the diversion for the Kennewick Irrigation District from the Yakima River to the Columbia River will completely change the current operational philosophy for the district. It will evolve from a relatively simple gravity system to one of significant complexity involving a major pump station and pressure pipeline to the major feeder canals. This remodeling will have a significant impact on the existing system and its users during construction, start-up and transition. That is why it is essential for the Kennewick Irrigation District to be in a position to develop these facilities in the way that best fits its current and future operational goals and causes the least disruption to district water users. That is why this legislation requires the Bureau of Reclamation to give the Kennewick Irrigation District substantial control over the planning and design work in this study with the Bureau having the final approval. This approach will ensure continued involvement and support which is vital to the success of this project.

I might add, Mr. Speaker, that this bill has been going through the process on both the Republican and Democrat side. When you talk about water issues in the Pacific Northwest, you tend to polarize people in different approaches. This bill and what it tries to do is unique in that it has broad support from virtually everybody involved in water issues in the Northwest. From the Bureau of Reclamation to the American Rivers, National Fisheries, U.S. Fish and Wildlife, the Yakima Nation, the Department of Ecology within Washington State, the Northwest Power Planning Council, the Washington State Water Resources Council, the Yakima Basin Joint Board of Irrigation. If we put all of these people together in a room on any other water issues, we would be bound to have polarization. But on this one because it does have the potential of augmenting flows in a river that needs more flows and saving salmon, to me it seems it is the right thing to do.

I urge my colleagues to support this. I want to thank the Committee on Resources for their work and support in getting this bill out of committee in a unanimous, bipartisan way.

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

Mr. Speaker, the gentleman from Washington I think has properly explained the legislation and the purposes of the legislation and the intent with which it is offered before the House. I do not disagree with that. I, however, will ask Members to vote against this legislation, especially Members of our caucus. I do so not because of the content of the bill but because of the manner in which Democratic Members of the committee and of our caucus have been treated in this committee in terms of the scheduling of legislation that has been offered by Democratic Members of the House. Much of that legislation is essentially noncontroversial but important in those particular districts, and we continue to have a gross disparity both in the treatment in the committee and on the floor of the House.

As I have noticed and the leadership has agreed to, we would ask Members to vote against this legislation until such time as we can get a fairer treatment of pending legislation as we come to the closing days of this session. We have asked continuously, we have sent numerous letters to the chairman asking for hearings on various pieces of legislation. Those hearings have not been granted. Again many of those bills are noncontroversial. Then we are told because they do not have hearings, they cannot come to the floor. Yet we constantly are considering bills from the other side, without hearings on the floor, many of which have not even been heard in the committee.

Last week, 18 Republican bills were scheduled and no House bills, one Senate Democratic bill was scheduled and dealt with. Tomorrow there are scheduled to be 15 Republican bills and six Democratic bills. It is very clear that if we continue this, there will be many members of the Democratic Caucus who have matters pending before the committee and the House that simply will not be considered before the clock runs out. I think we can do better. We have done better in past sessions of the Congress. I would encourage at least the members of our caucus to vote against the consideration of this and the next bill on the suspension calendar later today when we have a recorded vote on this matter.

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

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume. I find it interesting that the gentleman from California urges his Members to vote against a bill which he considers to be a good bill simply because he disagrees with the procedure and the proportion of bills that have been presented on the floor from each party. He calls that a gross disparity. Yesterday, there were five bills considered on this floor that were Republican bills out of the Committee on Resources and four bills that were Democratic bills that were considered on this floor out of the Committee on Resources.

I would point out to the gentleman from California that in this Congress, we have had more than twice as many Democratic bills on this floor under the suspension rule as there were the last time his party controlled this body. More than twice as many. I think that we have been more than fair with the minority party under the suspension rule and the number of bills that

come out. In fact, the gentleman recognizes that tomorrow over a third of the bills on the agenda in the Committee on Resources are from the minority party. So while the gentleman raises an issue which is always of concern to the minority party, and rightfully of concern to the minority party, I think he makes a fallacy in his argument that we have not been fair to the minority party. I wish he would reconsider and look at the merits of the bills rather than the procedures by which they get here.

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

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

Just in quick response, I would say that obviously the number of suspension bills is greater because this committee really only does business by suspension and that is obviously their prerogative. I would also say that I appreciate yesterday's schedule. That was negotiated. That was negotiated with notice. However, amendments were offered without notice. Last week it was 16-zip. Obviously we continue to fall further and further behind. I appreciate it is a third of the bills and the gentleman is contending that is fair. We represent half of the Congress, half of the people in the Nation, and we are put in the position now as this session comes to a close as I said before that many members of this caucus had bills that were important to them and their district, not of great controversy, not of great ideological battle and to date we have not been able to get those matters put before the House.

I would again urge the members of our caucus to oppose the two bills offered by the Committee on Resources. This does not go to other matters on the suspension calendar, because that is the purview of those committees. But with respect to these two matters from the Committee on Resources, I would urge a no vote so that we can get consideration of the members of the caucus's bills that are still pending.

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

Again I would point out, the gentleman raises an issue which ought to always be of concern from the minority side of the aisle, whoever is in the minority. But again I would point out that bills under consideration by this Congress, 23.4 percent have been Democratic bills. The last time his party controlled this body, 11.8 percent of the bills were Republican bills. I think that we have been more than fair. He said that last week there were 16 bills and none of them were Democratic. I would remind the Member that one of them was from the minority leader in the Senate, Senator DASCHLE. I believe that that is a member of his party.

Mr. GEORGE MILLER of California. If the gentleman will yield, I said that that bill had been dealt with, a Senate bill, a Democratic bill. That does not solve the problem for Members of the House.

□ 1100

Mr. SIMPSON. Mr. Speaker, I would just point out that these bills ought to be based on their merits. This is a good bill. The gentleman from California (Mr. GEORGE MILLER) has recognized that this is a good bill, and we ought to consider it and not vote against it simply because he does not like the procedure by which the bills have come to the floor.

Last week we have, as I understand it, in the Committee on Resources asked the minority party for bills they would like to have put on the agenda, no bills were proposed from the minority party to put on the agenda, and, consequently, none were.

As I said earlier, we have five Republican bills tomorrow. A third of the bills that are on the agenda are Democratic bills, and I am glad that the gentleman forwarded those to us so we could consider them tomorrow, and they will be considered in a fair and appropriate manner.

Mr. Speaker, we will not reject them simply because they come from the minority party. We will look at them on the merits of the bill itself, so I would urge the Members not to get into this debate of killing bills simply because they are from one party or the other, but look at the bills on the merits of the bills.

I do not think the people of this country expect us to get into these types of partisan debates about whose bill it is. I expect that they expect us to look at the merits of the legislation and pass them if they are good bills, and this is a good bill, as admitted by the gentleman from California.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes to continue this dialogue.

Mr. Speaker, I would say that the speech that the gentleman just gave with respect to this bill and other bills about being considered on the merit is the reason we are asking Members to vote against these bills so that the Democratic Members can have their bills heard on the merits, marked up on the merits and voted up or down on the merits in the full House, that has not happened.

The gentleman can go on and on about 23 percent of the bills. The fact of the matter is we are half of the Congress, and there is a good number of Democratic bills that are languishing for no other reason than I guess that they are Democratic bills. I do not know how that determination is made, but obviously they have not been allowed to be considered on the merits.

Mr. Speaker, I would hope the Members would understand that there is very little else we can do other than to refuse to pass these bills until we get that kind of consideration to protect the rights of the minority Members of the House of Representatives, and I think it is important that we do that.

I think those Members were elected by the same number of people that others were elected by and their bills ought to be considered on the merit. Again, these are not great controversial bills. These are bills that are important to local districts, just as the ones before us today are, but they have not been accorded the same rights and privileges and, therefore, I would ask the members of the caucus and others, if they would like, to join us to vote against these two bills from the Committee on Resources.

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

Mr. SIMPSON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I would like to say that I am pleased to listen to the gentleman from California (Mr. GEORGE MILLER) and his change of heart from being 6 years in the minority, because it did not appear this way when he was in the majority, as I mentioned earlier, and I will continue to mention, that more than twice as many bills of the minority have come up under this Congress than came up the last time his body controlled the House of Representatives.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from Idaho (Mr. SIMPSON) for yielding me the time.

Mr. Speaker, I find this argument rather interesting, and I understand inside-the-Beltway politics, as far as getting your time on the floor, but on this bill particularly, I just want to make a point to my friend, the gentleman from California (Mr. GEORGE MILLER), because I know that he worked very hard on the original bill when it passed back in 1993 and 1994, and in my time in this Congress, I have heard the gentleman from California say it once and I probably dare to say I heard him say it a million times that we need to save the salmon, we cannot wait, we have to do it, time is of the essence on all of these issues.

Mr. Speaker, here we have a situation where we clearly have a potential answer, and the remark I would say is that I do not think the salmon really care about inside-the-Beltway politics, but I do know that this issue has to be dealt with, and this is a proper way to deal with it.

So notwithstanding the request on the other side, I would urge my colleagues to support this bill, because on its merits, from the standpoint of the environment, from the standpoint of saving fish, from the standpoint of expanding water quality, this meets to

the ''T'' with strong bipartisan support.

Mr. Speaker, I urge my colleagues to support this bill.

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

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

Mr. Speaker, I just want to say that this is a good piece of legislation, and I think both sides recognize that this is a good piece of legislation. We can wrap all the rhetoric around this that we would like, we need to pass this bill and do what we can to help save the salmon. I hope the Members will support this.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3986, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS REGARDING NEED FOR CATALOGING AND MAINTAINING PUBLIC MEMORIALS COMMEMORATING MILITARY CONFLICTS AND SERVICE OF INDIVIDUALS IN ARMED FORCES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 345) expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces.

The Clerk read as follows:

H. CON. RES. 345

Whereas there are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

Whereas these memorials have never been comprehensively cataloged;

Whereas many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage;

Whereas there exists a need to collect and centralize information regarding the location, status, and description of these memorials;

Whereas the Federal Government maintains information on memorials only if they are Federally funded; and

Whereas Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7,000 memorials in 50 States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

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

H. Con. Res. 345 introduced by the gentleman rom California (Mr. ROGAN) addresses the need for a cataloged list of the many different public war memorials of the United States. Thousands of public memorials dealing with the United States' involvement in military conflicts exist throughout the world. However, there is no index or record as to their location nor is there a cataloged assessment as to their condition.

Unfortunately, many of these memorials suffer from neglect, disrepair or have been relocated or stored in facilities where they are not accessible to the public.

Currently, the Federal Government only keeps track of those memorials that are federally funded; however, nonprofit organizations such as Remembering Veterans Who Earned Their Stripes have undertaken self-funded programs in an attempt to catalog these memorials.

H. Con. Res. 345 urges the Secretary of the Interior, acting through the National Park Service, to collect and maintain information on public memorials commemorating military conflicts of the United States. The resolution also urges a coordinated effort between the Federal Government and other organizations like Remembering Veterans Who Earned Their Stripes and collecting and maintaining this information which would then be available to the public.

Mr. Speaker, this legislation is ready to move forward, and I urge my colleagues to support H. Con. Res. 345.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROGAN), a Member who is the author of this legislation.

Mr. ROGAN. Mr. Speaker, first I want to thank my dear friend, the gentleman from Utah (Mr. HANSEN), the distinguished chairman, for yielding the time to me.

Mr. Speaker, I rise in support of H. Con. Res. 345, which addresses the need to create a cataloged list of the thousands of public war memorials in the United States. Mr. Speaker, this resolution is the product of over a decade-long effort by Vietnam War veteran Brian Rooney and the nonprofit organization he founded, Remembering Veterans Who Earned Their Stripes, otherwise known as RVETS based in North Ridge, California.

Mr. Rooney believed that war memorials preserve the memories of our veteran's sacrifices and serve as a reminder of America's history. He discovered that today there is no detailed index or record of the thousands of public memorials dedicated to America's involvement in military conflicts, more importantly, dedicated to those who gave their lives for freedom.

Mr. Rooney investigated conditions for years. He found that these memorials suffer from neglect, disrepair and have been relocated or stored in facilities where they are not accessible to the public. Currently, the Federal Government monitors only those memorials that are federally funded. We have relied on the hard work of individuals like Mr. Rooney who have conducted this arduous task.

H. Con. Res. 345 urges the Secretary of the Interior, acting through the National Park Service, to collect and maintain information on public memorials commemorating military conflicts of the United States.

It urges a coordinated effort between the Federal Government and other entities like RVETS in collecting and maintaining this information which would then be made available to the public. RVETS already has cataloged over 7,000 monuments. They already have done most of the work needed to establish the database.

H. Con. Res. 345 is a bipartisan effort to honor our veterans. I want to thank Brian Rooney for his dedication not just to the country as a Vietnam war veteran, but for the decade he has spent conducting this search so that veterans could be honored.

I understand, Mr. Speaker, that this morning there has been some partisan bickering going on with respect to some of these resolutions, but I would just urge all of my colleagues to put that aside today so that we can appropriately honor veterans who have served our country and who have given their life and service for our country, and vote to support this bipartisan resolution.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of H. Con. Res. 345, and I urge its adoption by the House, and I commend the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. ROGAN) for helping to bring this matter to the floor at this time.

This legislation which urges the Secretary of the Interior, acting through the Park Service, to gather and maintain information on public memorials commemorating U.S. military conflicts and to make that information available to the public, which will be very useful to the entire nation. It further urges that the Federal Government cooperate with private entities in accomplishing that important goal.

Mr. Speaker, there are literally hundreds, maybe thousands, of memorials and monuments dedicated to our fighting men and women of our Nation's military. These include monuments commissioned and dedicated by the Federal Government, State governments and various localities. Over time, their number has grown to the point where it has become difficult to keep track of all of the monuments that are now in existence.

This legislation will help simplify matters by requesting the Interior Department to initiate action to collect and disseminate information, a step they have undertaken on all of these monuments. The end result will be helpful to both tourists and researchers alike, but particularly to all of our veterans organizations.

Mr. Speaker, I urge our colleagues to lend this bill their full support, and I thank the gentleman for yielding the time to me.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 345.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONCERNING THE EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) concerning the emancipation of the Iranian Baha'i community.

The Clerk read as follows:

H. CON. RES. 257

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 2 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 10 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 257.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Speaker, today we are considering a resolution to call once again for the emancipation of the Iranian Baha'i community.

□ 1115

We have passed similar resolutions seven times since 1982, yet the Baha'is in that country continue to be deprived of their basic rights by their government, by the Iranian government. Despite the fact that they are committed to nonviolence, tolerance and loyalty to government, the Baha'is continue to suffer deprivations and harassment from the fanatical elements of Iranian society, ranging from local clergy and their uneducated followers to highly placed government officials. Eleven Baha'is continue to languish in Iranian prisons; arrested, tried and sentenced as a result of their personal religious beliefs and peaceful religious activity.

Baha'i religious gatherings and administrative institutions were banned in 1983. A 1991 government document calls for the continued obstruction of the economic and social development of the Baha'i community. The Iranian constitution recognizes only four religions: Islam, Christianity, Judaism, and Zoroastrianism; and official rhetoric continues to name those as the only religions whose members may enjoy full rights.

Baha'is continue to be denied government employment, denied university employment, denied legitimately earned pensions, denied admission to Iranian universities, denied access to the legal system, denied access to decent places to bury their dead, and a host of other civil liberties that we in our Nation have come to take for granted as basic elements of a free and just society.

The election of President Khatami in Iran and the subsequent relaxation of the clerical dictatorship have brought hope that the rule of law will eventually prevail in that nation, and that full rights will be granted to all of its citizens, including the Baha'is. We have seen some improvement in the treatment of individual Baha'is. In the last 2 years, Baha'is have been granted passports for travel abroad more frequently and some have been granted business licenses again. A significant concession to the Baha'is was a recent modification of the rules of registration of marriages that now omits references to religion, allowing Baha'is to register marriages and legitimize their children for the first time in many years.

Those steps are significant and they should be acknowledged as signs of promise for full emancipation to come in the future. Yet those actions have been taken silently and come far short of granting Baha'is the recognition under the constitution, the Iranian constitution, that would improve their situation and protect them from fanaticism.

We look to President Khatami to stand behind his promise of Iran for all Iranians and to take steps to extend the protection of his constitution to the Baha'is by granting those rights guaranteed by the Universal Declaration of Human Rights and the International Covenants on Human Rights. We cannot remain silent when a community of 300,000 people continues to suffer the effects of persecution and deprivation while their government proclaims its support of human rights for all.

The passage of this resolution will voice once again that the United States finds the situation of the Baha'is in Iran intolerable and will not rest until that community wins full and complete emancipation.

Accordingly, Mr. Speaker, I ask my colleagues to vote for H. Con. Res. 257.

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

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, I would first like to commend the gentleman from Illinois (Mr. PORTER) for introducing this resolution and thank thegentleman from New York (Mr. GILMAN) for moving it through the legislative process.

This important resolution concerns the continued persecution of the Baha'i community in Iran.

The resolution states that the Congress continues to hold the government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community.

The resolution also condemns the repressive anti-Baha'i policies and actions of the government of Iran. These policies include, first, the denial of legal recognition of the Baha'i community; preventing the community from organizing and electing its leaders; stopping the education of Baha'i youth; and stopping the Baha'is from conducting the normal activities of a law-abiding religious community.

The Porter resolution also urges the government of Iran to permit Baha'i students to attend Iranian universities and to permit the Baha'i Open University to reopen.

Finally, Mr. Speaker, the resolution calls on President Clinton to continue to make Iran's treatment of the Baha'i community a significant factor in the development of U.S. relations with Iran; to emphasize the need for the U.N. Special Representative for Human Rights to be allowed to enter Iran, and to urge the government of Iran to emancipate the Baha'i community; and finally, to encourage other governments to appeal to Iran to protect the rights of Baha'is.

Mr. Speaker, the Baha'is in Iran have been persecuted far too long. Congress has gone on record since the early 1980s against harsh Iranian treatment of the Baha'is, and it is important that we do so again. Iran's leaders must understand that their anti-Baha'i policies are being closely watched by the international community. Therefore, Mr. Speaker, I urge my colleagues to support H. Con. Res. 257.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 257, concerning the emancipation of the Iranian Baha'i community. Mr. Speaker, the Baha'i faith is the most recent world religion. Its founder, a Persian nobleman, declared his mission in 1863, proclaiming he was the promised one of all religions who would usher in a new age of peace for all mankind. Among Bahaullah's most fundamental teachings are oneness of God, oneness of the foundation of all religions, oneness of mankind and all peoples are equal in the sight of God.

The Baha'i faith was established in my district, the U.S. Virgin Islands, in 1954, with the settlement of pioneers on St. Thomas. The first local spiritual assembly of the Baha'i of St. Thomas was incorporated in 1965. The Baha'i of the Virgin Islands have been and are active in, among other things, providing education and enrichment programs for young children and adults, working with the Interfaith Coalitions on St. Thomas and St. Croix, as well as assisting in hurricane recovery efforts.

Mr. Speaker, the Baha'i community of the Virgin Islands strongly supports House Concurrent Resolution 257 because it would condemn the repressive

anti-Baha'i policies and actions of the government of Iran, and expresses concern that individual Baha'i continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion.

I thank my colleagues for supporting this important resolution.

Mr. PORTER. Mr. Speaker, I rise to strongly support H. Con. Res. 257, concerning the emancipation of the Iranian Baha'i community.

Thousands of human rights abuses take place around the world on a daily basis. Almost all go unnoticed by the U.S. media. The Baha'is of Iran are one such group.

Many in Congress have worked closely with the National Spiritual Assembly of the Baha'is of the United States to bring attention to this situation. The Baha'i faith was founded in what was Persia in the 1840's and has grown to the largest religious minority in Iran. In the United States today, there are approximately 300,000 Baha'is. More than 90 percent are native born, and many of the remainder are refugees from Iran who have fled persecution.

One of these refugees is Firuz Kazemzadeh, who for over 30 years was the elected leader of the Baha'is in the United States, until he stepped down 2 years ago. Dr. Kazemzadeh immigrated to the United States from Iran in the 1950's and became a professor of history at Yale University. He has devoted a great deal of his time and efforts to improving the condition of his fellow Baha'is in Iran. He has quietly, in his way, been a tremendously effective fighter for his fellow Baha'is and has clearly saved many Bahai lives and much Bahai suffering. I would like to specifically commend Dr. Kazemzadeh for his decades of work helping the Baha'is.

Baha'is have suffered persecution since their religion was founded, but the situation gravely worsened in the aftermath of the 1979 Islamic Revolution. Many of the leaders of the Baha'i community were jailed at that time and many were executed solely for their religious beliefs. The fact the Baha'i community has survived in Iran over the past 20 years is a testament to the Baha'i people and their commitment to their faith.

This adverse situation for the Baha'i community could be completely reversed by the Iranian Government at any time. The repression of the Baha'is is spearheaded by the religious government of Iran in the form of laws and regulations that explicitly deny Baha'i basic rights accorded to other citizens of Iran, including other religious minorities. Religious intolerance has caused the world's people untold suffering and its presence is felt across the entire world. But in Iran it is institutionalized and written in law. And it is not only discrimination. In Iran it can mean torture, imprisonment, and death.

H. Con. Res. 157, similar to ones passed in previous sessions of Congress, calls on the Government of Iran to emancipate the Baha'is and afford to them in practice rights which should be inalienable to any human being which they are being denied. Before this administration speaks about opening relations with Iran and the positive reforms which are supposed to be taking place in that country, the Baha'is must be granted the same rights and privileges as all other Iranian citizens.

I thank the gentleman from New York (Mr. GILMAN) for his dedication to human rights and to the Baha'is and to the gentleman from California (Mr. LANTOS), the gentleman from New Jersey (CHRIS SMITH) and the gentleman from Maryland (Mr. HOYER) for again playing a leading role in bringing this resolution to the floor. Each of them have been dedicated leaders for the basic human rights of every person on earth. One of the real privileges and honors of being a Member of this body has been to serve side by side and work for human rights with these outstanding leaders. I urge Members to support this resolution.

Mr. LANTOS. Mr. Speaker, the repression of the Baha'i community in Iran is one of the most egregious ongoing violations of human rights, and I am very pleased that we are calling attention to it today. I first want to commend the gentleman from New York, the Chairman of the International Relations Committee, (Mr. GILMAN) for his bringing this important resolution to the floor today.

I also want to thank particularly the sponsor of the bill, my good friend and colleagues from Illinois, Mr. PORTER. I have had the very good fortune over the past 20 years of working very closely with JOHN PORTER on a vast number of human rights issues, and I commend him for his outstanding dedication to human rights. He has unwaveringly worked to alleviate the suffering of people around the world, and thanks to his efforts we can honestly say that the world today is a better place.

Mr. Speaker, one of the human rights issues that JOHN PORTER has championed since the day he was elected to the Congress is the situation of the Baha'is in Iran. The Baha'i has suffered greatly since Iran's Revolution in 1979. The constitution created by the Ayatollahs establishes Islam as the state religion of Iran. It also recognizes Christians, Jews, and Zoroastrians—religions that flourished in Persia before Islam—as "protected religious minorities" which are afforded legal rights. Iran's 350,000 Baha'i however, are not afforded these protections, and they enjoy no legal rights whatsoever.

Mr. Speaker, this blatant, officially sanctioned discriminations has far-reaching and inhuman consequences. until recently, Baha'i marriages have not been recognized in Iran. As a consequence, no Baha'i couple married according to their own religious rites since 1980 are legally married in the eyes of the Iranian government. The women have been liable to charges of prostitution and Baha'i children are considered illegitimate. It is not legal for property to be passed within Baha'i families. Baha'is cannot enroll in universities. Baha'is cannot hold government jobs, and those that once did are denied state pensions.

Baha'is cannot sue in the country's court, and they are not legally recognized to defend themselves even if they are sued. Baha'is generally cannot receive Iranian passports, which note the holder's religion. Baha'is are denied the right to assembly or to maintain administrative institutions. Since the Baha'i faith has no clergy, the inability to meet and elect officers threaten the very existence of the faithin Iran. Baha'is cannot teach or practice their faith or maintain contacts with their coreligionists abroad.

Mr. Speaker, I could go on listing the abuses and atrocities to which the Baha'i in Iran are subjected, but these obvious violations of the most basic of human rights are a clear indication of the magnitude of the abuses that Baha'is in Iran face daily. I strongly support this resolution, which highlights these abuses and calls on the Government of Iran to emancipate the Baha'i community. I urge my colleagues to support this resolution, and I call on the Government of Iran to recognize the rights of Baha'is and afford them the rights by other Iranian citizens.

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

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RWANDAN WAR CRIMES WITNESS REWARD PROGRAM AUTHORIZATION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2460) to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

The Clerk read as follows:

S. 2460

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

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105–323) is amended—

(1) in the section heading, by inserting "or rwanda" after "yugoslavia";

(2) in subsection (a)(2), by inserting "**OR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**" after "**YUGOSLAVIA**"; and

(3) in subsection (c)—

(A) by inserting "(1)" immediately after "REFERENCE.—"; and

(B) by adding at the end the following:

"(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on S. 2460.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Mr. Speaker, on April 6, 1994, a massive genocide began in Rwanda. There was no mention of Rwanda in any of our papers on that day, but soon horrific accounts of a bloody and well-planned massacre filled the pages of our newspapers. A month later, 200,000 were dead and more were being killed each and every day, but White House spokesmen still quibbled with reporters about the definition of genocide.

Too many of the masterminds of that ugly chapter in human history are still at large. An international criminal tribunal for Rwanda exists, but it has failed to bring to justice all of the leaders. Rwanda needs reconciliation, but without accountability there will be no reconciliation.

Congress extended the rewards program to those providing information leading to the indictment of Yugoslavian war criminals 2 years ago. It is now time to place a generous bounty in U.S. dollars on the heads of all who seek power through extermination. The killers have fled to Paris, to Brussels, to Kinshasa and else where. With the passage of this measure, their havens will be less safe and their sleep will be less easy.

Accordingly, I urge my colleagues to fully support this measure.

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

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

Mr. Speaker I rise in strong support of this bill. First of all, let me commend the chairman in moving this bill through the Committee on International Relations and bringing it to the floor today. Rwanda is one of the great humanitarian disasters of this century. An estimated 800,000 people were slaughtered there earlier this decade, and only because of their ethnic identity. Expanding the State Department's reward program to persons having information leading to the conviction of persons responsible for the atrocities in Rwanda will enhance the prospect for justice for the victims.

I commend Senator FEINGOLD for moving this bill forward in the other body, and I urge my colleagues to support Senate bill 2460.

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

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

Mr. HILLIARD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague from Alabama (Mr. HILLIARD) for yielding me this time.

Mr. Speaker, I want to commend the chairman and my colleague for rising to introduce this bill, S. 2460, which would authorize the payments of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda. I commend them both for presenting that bill today.

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

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 2460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4673) to assist in the enhancement of the development and expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

The Clerk read as follows:

H.R. 4673

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 ''Support for Overseas Cooperative Development Act''.

SEC. 2. FINDINGS

The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

SEC. 3. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(1) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(2) self-help mobilization of member savings and equity, retention of profits in the community, except those programs that are dependent on donor financing;

(3) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(4) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(5) utilization of technical assistance and training to better serve the member-owners.

(b) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: ''In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

''(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

''(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

''(3) INFRASTRUCTURE.—The establishment of rural electric and telecommunication cooperatives for universal access for rural people and villages that lack reliable electric and telecommunications services.

''(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.''.

SEC. 4. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by section 3 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. 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. 4673.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

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

Mr. Speaker, this Member rises in support of H.R. 4673, the Support for Overseas Cooperative Development Act. This Member introduced H.R. 4673, along with the distinguished Member from North Dakota (Mr. POMEROY), to recognize the importance of and the strengthened support for cooperatives as an international development tool.

This Member would also like to thank the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations; the distinguished gentleman from California (Mr. LANTOS), the ranking member of the Subcommittee on Asia and the Pacific; the distinguished gentleman from Pennsylvania (Mr. ENGLISH); the distinguished gentleman from Ohio (Mr. HALL); the distinguished gentleman from Ohio (Mr. GILLMOR); and the distinguished gentleman from North Carolina (Mr. BURR), for their cosponsorship of this measure.

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Indeed, this measure is a bipartisan effort and it certainly enjoys bipartisan interest and support.

Finally and very importantly, this Member wants to thank the chairman of the Committee on International Relations, the distinguished gentleman from New York (Mr. GILMAN), for cooperating in the advancements of H.R. 4673 through the committee and for his support.

Mr. Speaker, this legislation enhances language currently provided in Section 111 of the Foreign Assistance Act which authorizes the use of cooperatives in international development programs.

Specifically, this bill will give priority to funding overseas cooperatives working in the following areas: agriculture, financial systems, rural electric and telecommunications infrastructure, housing, and health. Importantly, H.R. 4673 does not provide for additional appropriations. While the administration does not routinely take positions on such matters, the Agency for International Development has not raised any objections to H.R. 4673 and I believe it is quite supportive and sympathetic.

Mr. Speaker, as we all know, cooperatives are voluntary organizations formed to share the mutual economic and self-help interests of their members. In the United States, cooperatives have existed, of course, for many years and in many forms, including agriculturally based cooperatives, electrical cooperatives, and credit unions. The common thread among all cooperatives is that they allow their members who, for a variety of reasons, might not otherwise be served by traditional institutions, to mobilize resources available to them, and to reap the benefits of association.

Since the 1960s, overseas cooperative projects have proven successful in providing assistance and compassionate assistance, I might emphasize, to low-income people in developing and transitional countries. Today, people in 60 countries are benefiting from U.S. cooperatives working abroad through projects which can be completed at very little cost to U.S. taxpayers. The low costs are possible because the money used for the projects is spent on technical and managerial expertise, not on extensive bureaucracy and direct foreign assistance payments.

Mr. Speaker, the benefits of cooperatives as a development tool are numerous. This Member would like to mention examples of democratic and economic results from the fostering of cooperatives working overseas.

Building economic infrastructure is a key role of overseas development cooperatives. Through representatives from the U.S. cooperatives, people who have traditionally been underserved in their countries, especially in rural areas and especially women, receive technical training never before available to them. Such training in accounting, marketing, entrepreneurialship and strategic planning prepares them to effectively compete for the first time in their country's economy.

For example, agricultural cooperatives in El Salvador helped to rebuild the once war-ravaged country by providing a venue for farmers to pool their scarce resources and scarce experience in capitalism so that they can market and sell the fruits and vegetables they grow.

In rural Macedonia, a small country whose neighbors are immersed in ethnic conflict, credit unions provide their members a way to build lines of credit and savings for the future.

In rural Bangladesh during the early 1990s, cooperative members bought equipment for an electrification project which now supplies 5 million people with electrical power. Cooperatives lay the foundation then for future economic stability.

Mr. Speaker, when reviewing the impact of overseas cooperatives, one simply cannot ignore the impact they have had in assisting people in transitional countries to build democratic habits and traditions. In supporting cooperatives, people who have had no previous experience with democracy create an opportunity to routinely vote for leadership, to set goals, to write policies and to implement those policies. Cooperative members learn to expect results from their decisions and that their decisions can and do, in fact, have an impact on their lives.

In conclusion, this Member would like to thank the Overseas Cooperative Development Council, the OCDC, for its contributions to this measure. The OCDC represents eight cooperative development organizations which have been very active in building cooperatives worldwide. The Credit Union National Association, CUNA, has been very supportive of this legislation and, as a member of the World Council on Credit Unions, has contributed technical assistance to aid the growth of credit unions in key transitional countries such as the former Yugoslav, Republic of Macedonia and Bolivia.

Again, Mr. Speaker, overseas cooperative projects are simply a good investment towards building good economic stability and democratic habits in developing countries, and this Member urges his colleagues in this body to support H.R. 4673.

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

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

Mr. Speaker, I rise in strong support of this bill. I would first like to commend the gentleman from Nevada (Mr. BEREUTER), the subcommittee chairman, for introducing this important piece of legislation, and the gentleman from New York (Mr. GILMAN), the chairman of the committee, for moving it through the legislative process so quickly.

Mr. Speaker, credit unions and cooperatives give people more opportunity to help themselves. By promoting business enterprises and financial institutions which operate through a democratic decisionmaking process, the Congress can play a critical role in encouraging broad-based economic and social development, both at home and abroad.

The legislation before the House today will ensure that our foreign aid money adequately promotes credit unions and cooperatives overseas. The legislation states that priority must be given first to technical assistance to local-income farmers who farm, who form and develop cooperatives for farm supplies, marketing and value-added processing; the promotion of national credit union systems that strengthen the ability of low-income people and small businesses to have access to credit. It also establishes a rural electric and telecommunications cooperative for universal access for rural people and villages; and, finally, the promotion of community-based cooperatives which provide employment opportunities and other important services.

Also, Mr. Speaker, the legislation requires the Agency for International Development to report to Congress every 6 months on the implementation of this important program.

Mr. Speaker, cooperatives and credit unions allow communities to pool their financial resources, spread risk, and keep money in local circulation for the economic well-being of the constituency and localities they serve. This legislation, by promoting cooperatives

and credit unions overseas, will ensure that Americans get the most bang for their buck in foreign aid money.

Mr. Speaker, I urge my colleagues to support H.R. 4673.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, in conclusion, I want to again express my appreciation to the distinguished gentleman from North Dakota (Mr. POMEROY) for his outstanding cooperation, his assistance, and for being a full partner in drafting this legislation. I appreciate his effort. With that said, I urge support of the resolution.

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

Mr. GILMAN. Mr. Speaker, H.R. 4673, a bill introduced by our Committee Members, Mr. BEREUTER, the gentleman from Nebraska, and cosponsored by Mr. POMEROY, the gentleman from North Dakota, would serve to enhance and expand international economic assistance programs that utilize cooperatives and credit unions. This bill encourages the formation of credit unions and grassroots financial institutions as a way to promote democratic decision-making while concurrently fostering free market principles and self-help approaches to development in some of the world's poorest and neediest countries.

The bill's purpose is multi-faceted. It encourages the creation of agricultural and urban cooperatives in the electrical, telecommunications, and housing fields as well as the establishment of base-level credit unions. By doing so, the bill also promotes the adoption of international cooperative principles and practices in our foreign assistance programs and encourages the incorporation of market-oriented principles into these programs. By ensuring that small businessmen and women as well as small-scale farmers have access to credit, and also a stake in their own financial institutions, the United States will foster the key values of self-reliance, community participation, and democratic decision-making in programs that directly affect their lives.

The bill amends Section 111 of the Foreign Assistance Act of 1961, the section of the Act that concerns the development and promotion of cooperatives, by adding specific language that promotes agricultural cooperatives, the establishment of credit unions and financial systems, and the creation of rural electric and telecommunications and housing cooperatives. The bill lists these increasingly critical areas of development as priorities for foreign assistance programs and requires the Administrator of the Agency for International Development to prepare and submit a report to the Congress on the implementation of Section 111 of the Foreign Assistance Act of 1961 as amended.

I commend my colleagues for drafting this bill that also strengthens the intent and spirit of H.R. 1143, the Microenterprise for Self-Reliance Act of 1999 that the International Relations Committee reported and the House passed last year. Although strides have been made to increase access to credit for those who need it most, it is clear to me that much more needs to be done to enhance micro credit institutions and credit unions as well as agricultural cooperatives in the developing world to ensure that sound fiscal practices are applied in both rural and urban areas of the world's poorest countries.

I commend the bill's sponsors for their efforts to promote the formation of more and better managed cooperatives as well as the establishment of credit unions that are managed by the poor themselves to address agricultural, housing, and health care needs.

Accordingly, I urge passage of this worthy measure.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4673.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4975) to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse''.

The Clerk read as follows:

H.R. 4975

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

SECTION 1. DESIGNATION OF FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE.

The post office and courthouse located at 2 Federal Square, Newark, New Jersey, shall be known and designated as the ''Frank R. Lautenberg Post Office and Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office and courthouse referred to in section 1 shall be deemed to be a reference to the Frank R. Lautenberg Post Office and Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. 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. 4975.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4975, was introduced by our distinguished colleague, the gentleman from New Jersey (Mr. LOBIONDO) and was originally cosponsored by all members of the House delegation of the State of New Jersey on July 26, this year. This legislation designates the Post Office and courthouse located at 2 Federal Square in Newark, New Jersey as the FRANK R. LAUTENBERG Post Office and Courthouse.

This legislation was referred to the House Committee on Transportation and Infrastructure. The committee then discharged the bill and it was subsequently rereferred to the House Committee on Government Reform. The building located at 2 Federal Square in Newark, New Jersey is wholly owned by the United States Postal Service.

The Senator from New Jersey after whom the building will be named under this legislation was born in Paterson, New Jersey in 1924, the son of an immigrant silk mill worker. He graduated from Nutley High School in Nutley, New Jersey in 1941 and served with distinction in the United States Army Signal Corps from 1942 until 1946. Mr. LAUTENBERG received his B.S. degree from Columbia University School of Business in New York in 1949. He served as commissioner of the Port Authority of New York and New Jersey from 1978 to 1982 for a 6-year term. He was subsequently appointed by the governor to complete the unexpired term of Senator Brady and was reelected in 1988 and 1994 for the term ending January 3, 2001.

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

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

Mr. Speaker, I rise in support of this legislation to name a postal facility in Newark, New Jersey after our colleague in the other House, Senator LAUTENBERG.

I want to just reference his work in the United States Senate since 1982 on a whole range of items, but I want to particularly point out and commend to all of my colleagues his work in the area of education, his sponsorship of the $1,500 HOPE scholarship credit, and his support for the largest increase in Pell grant assistance in the history of the Pell grant program. He has been a strong supporter of environmental legislation and other very important pieces of legislation.

Mr. Speaker, I think it is entirely appropriate to join my colleague from the great State of Georgia in commending to the House this legislation.

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

Mr. BARR of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Mr. Speaker, I thank the gentleman from Georgia for yielding to me, and I rise in very strong support of this legislation.

Senator LAUTENBERG has been a great ally and friend to the citizens of

New Jersey, and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. PALLONE), and I all join in urging this legislation.

Mr. Speaker, I am pleased to come before the House today in support of H.R. 4975, a bill designating the Post Office and Courthouse at 2 Federal Square in Newark, New Jersey the "Frank R. Lautenberg Post Office and Courthouse."

As many of you may know, Senator LAUTENBERG is retiring at the end of this year after 18 years of distinguished service in the United States Senate on behalf of the state and the citizens of New Jersey.

Since I came to Congress in 1995, I have had the pleasure of working with Senator LAUTENBERG on several occasions. We have been able to work together in a bipartisan fashion on many issues of importance to my district—such as aviation funding, beach replenishment projects, protecting the interests of the coast guard and his work on behalf of the Coastal Heritage Trail. These are just some of the issues that we have been able to roll-up our sleeves on and make a meaningful difference that will benefit the lives of those who live in South Jersey.

I would like to pay special attention to the Senator's work on protecting the New Jersey shore from erosion and the ocean water from contamination. As the Representative of the Second District in New Jersey, which has hundreds of miles of shoreline, protecting the shore is one of my highest legislative priorities.

Recently, I had the opportunity to join with the Senator and the Mayor of Atlantic City, James Whelan, in urging the Senate to pass legislation that would require the EPA to use the latest technology available to sample and test ocean water at our beaches to ensure the public's health. I cosponsored and voted in favor of companion legislation, which passed the House in April of last year.

In fact, there hasn't been an issue that the Senator and I have worked together on since 1995 that we haven't achieved results. We have been able to come together on numerous occasions to protect the interests of South Jersey residents. Although the Senator and I don't necessarily agree on every issue, I agree that naming the post office and courthouse in Newark after Senator LAUTENBERG is an excellent way to pay tribute to him on the eve of his retirement from public service.

Mr. Speaker, H.R. 4975 has gained the support of the entire New Jersey Congressional delegation, who have come together in a bipartisan fashion to support this bill and honor a distinguished public servant for the state of New Jersey. I would also like to thank the Majority Leader, Mr. ARMEY, for bringing this legislation before the full House today for consideration and my colleague Mr. PAYNE.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I appreciate the gentleman from Pennsylvania and the gentleman from Georgia for allowing me to have a few words to say on H.R. 4975, the Frank R. Lautenberg Post Office and Courthouse designation.

As we know, this is a very important and proud day for us in New Jersey and, Mr. Speaker, I am proud to be a sponsor of the bill to name the post office in my hometown of Newark, New Jersey, after one of our State's most accomplished and dedicated public servants, my friend and colleague, Senator FRANK LAUTENBERG.

Senator LAUTENBERG is well known throughout New Jersey and the Nation for his prolific legislative achievements, but even before his election to the United States Senate, he worked tirelessly in pursuit of the American dream.

His is indeed a classic American success story. Born to immigrant parents who were forced to move constantly in search of work, he set goals for himself early in life and never wavered in his quest to fulfill his aspirations.

After completing high school in Nutly, New Jersey, he enlisted in the United States Army, serving in the Army Signal Corps in Europe during World War II. And he is very proud of his war record.

After World War II, he earned a degree with the great GI Bill of Rights, which gave opportunities to people who fought to preserve democracy and opportunity for higher education. And he earned a degree from Columbia University.

Then, in the spirit of American entrepreneurship, which he fought so hard to defend, he joined with two boyhood friends in establishing a payroll service company, Automatic Data Processing, which now has grown to be one of the largest companies in the world. This started in a basement with two fellows saying, we have an idea.

It is especially fitting that this post office we are naming for Senator LAUTENBERG in his honor is located in Newark because he has been a champion of the revitalization efforts in our city.

From the day I was elected to the House of Representatives back in 1988, I have been able to count on Senator LAUTENBERG as an advocate of major economic development efforts, including the world-class Performing Arts Center, the development of the waterfront, millions of dollars in funding for Urban Core mass transit projects, including the Newark-Elizabeth Rail Link.

Senator LAUTENBERG has gained a national reputation as a powerful voice for environmental protection, fighting for safe drinking water, clean air, a ban on ocean dumping of sewage, clean beaches, prevention of oil spills, and a strong supporter of Superfund legislation to clean up toxic sites.

His legislation to ban smoking on airplanes will go to save many, many lives in this country and in the world because this has been taken up by everyone in the world.

So as I conclude, Senator LAUTENBERG has worked to improve educational opportunities in our Nation so that coming generations will have a chance to live the American dream as we all see it.

Senator LAUTENBERG helped author the HOPE scholarship, which provides a $1,500 tax credit for students going to college. He fought to improve our public schools. He fought to have new computers in our high schools.

Mr. Speaker, I appreciate the opportunity to speak on behalf of the Senator.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Speaker, I, too, rise in support of H.R. 4975, the bill that is sponsored by my colleague, the gentleman from Newark (Mr. PAYNE), to honor Senator LAUTENBERG with the naming of the post office in Newark in his honor.

I cannot say enough about FRANK LAUTENBERG. There is no more effective Member of the United States Senate or of the United States Congress than FRANK LAUTENBERG.

Let me say that over his three terms in office, and I suppose it adds up to 18 years as a Member of the United States Senate, I do not think anyone would suggest that anybody but FRANK LAUTENBERG was the most effective advocate for our concerns in the State of New Jersey. He is the Senator that get things done.

My colleague, the gentleman from Newark (Mr. PAYNE), talked about the various things that Senator LAUTENBERG has done over the years, legislatively. But I just wanted to focus briefly on the environmental issues, because my district in Middlesex and Monmouth Counties has a heightened concern with regard to the environment.

In Middlesex County, the northern county, we have a number of Superfund sites. And over the 12 years or so that I have been in Congress, I have seen Senator LAUTENBERG constantly out there helping me and helping my constituents to clean up the Superfund sites, to improve the program, to get citizens involved in the process. That is his hallmark. He is a grassroots person that gets the money and gets things done.

In Monmouth County, which is the county where I live along the shore, we have had concern for many years about ocean dumping, about the need for shore protection, about water quality. And if there is any area where Senator LAUTENBERG has shined and worked hard in this Congress, it is with regard to the need for clean water and improving our water quality.

I would say that our economy would not exist in the strong state that we have now along the Jersey shore were it not for Senator LAUTENBERG's efforts to provide funding for beach renourishment, to stop all the various ocean dumping sites that existed when he was first elected to the Senate. There were about 12 sites for dumping of toxic dredge materials, sludge materials, acid materials, wood burning. All these things have now passed and all these sites have been closed because of the efforts of Senator LAUTENBERG.

It is an amazing achievement over 18 years in the Senate. I only hope that this legislation, this naming of the post office, is just the first of many opportunities that we will have after he retires this year to name things after him and to make designations in his honor. Because he truly deserves it. I appreciate the fact that we here in the House have been the first to start the process with the naming of this post office today.

Mr. PASCRELL. Mr. Speaker, I am pleased to rise today to support this legislation which honors my friend and senior Senator from New Jersey, FRANK LAUTENBERG.

I am a proud cosponsor of this legislation, and applaud my colleagues, Congressman PAYNE and Congressman LOBIONDO, for bringing this important measure to the floor.

Senator LAUTENBERG is a great American and a son of my hometown of Paterson, New Jersey. Good things and great people hail from Paterson!

The son of immigrants, FRANK LAUTENBERG came from a working-class background. In fact, his father worked in the silk mills in Paterson, located around the same area where I grew up.

After graduating high school, he served the United States citizens by joining the Army Signal Corps in Europe. Upon his return, Senator LAUTENBERG began a life of public service to the citizens of the Garden State.

Along with two friends, Senator LAUTENBERG started a company that served as one of the largest employers of New Jersey workers, and helped shape the way business is conducted in America.

Automated Data Processing was and still is one of the foremost computing services companies in the world. It provides employer services to hundreds of thousands of businesses by providing the paychecks to more than 29 million wage earners each payday.

In 1982, I joined the majority of New Jersey residents in voting for FRANK LAUTENBERG to the office of Senator. We were impressed by his dedication to providing work and service in New Jersey and trusted that he would represent us well in the United States Congress.

Our gut and our vote proved right.

The impact he has had on our nation's health, safety and security is significant, and that is why we honor him today.

He is the author of laws that have shaped the lives and enriched the health and safety of Americans.

We can thank Senator LAUTENBERG for establishing 21 as the national legal drinking age, for banning smoking on airplanes and for making it illegal for anyone convicted of domestic violence to own a gun.

A strong environmental leader, Senator LAUTENBERG also helped write the Superfund, Clean Air and Safe Drinking Water Acts.

As Ranking Democratic Member of the Senate Transportation Appropriations Subcommittee, Senator LAUTENBERG has consistently supported sound investment in our nation's infrastructure.

Furthermore, he has worked tirelessly to secure hundreds of millions of dollars for New Jersey's highways, mass transit systems, airports and ports.

The Garden State has known this about Senator LAUTENBERG for 18 years, and I am proud to share his accomplishments with colleagues and fellow Americans who may not realize the impact that he has had on American policy and life.

So, as the great city of Newark continues to rise, it is more than appropriate that FRANK LAUTENBERG should be honored in name and reputation in this manner.

I urge all of my colleagues to support H.R. 4975, and am proud to join with others in recognizing the hard work and immeasurable contributions he made to the economy, quality of life, and safety for the citizens of New Jersey and America.

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

Mr. BARR of Georgia. Mr. Speaker, I have no other speakers on this side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4975.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GERTRUDE A. BARBER POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4625) to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the ''Gertrude A. Barber Post Office Building''.

The Clerk read as follows:

H.R. 4625

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

SECTION 1. GERTRUDE A. BARBER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, shall be known and designated as the ''Gertrude A. Barber Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Gertrude A. Barber Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. 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. 4625.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4625, was introduced by the distinguished gentleman from Pennsylvania (Mr. ENGLISH). The legislation designates the facility of the United States Postal Service Building located at 2108 East 38th Street in Erie, Pennsylvania as the Gertrude A. Barber Post Office Building. The House delegation from the State of Pennsylvania has cosponsored this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, this is a great privilege. Let me, first of all, thank the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), the distinguished ranking member, who helped me shepherd this legislation through the committee and through the House of Representatives, with the unanimous support of the entire Pennsylvania delegation, because the person we are honoring today really enjoyed a Statewide reputation in Pennsylvania as an advocate of those with special needs.

With every handshake, Mr. Speaker, Dr. Gertrude Barber left an indelible mark, reflective of her compassion and caring not only for those with special needs, but everyone. This native of Erie, a community that I have lived in all of my life and which I represent, touched so many individuals. Her special gift and passion was reserved for the mentally disabled, but through that, she touched the lives of an entire community and reached out and touched many people throughout the State of Pennsylvania.

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For years, she gave all that she had and more, and she asked no less of the community in which she lived. Even when one met Dr. Gertrude Barber just once, that encounter lasted for a lifetime.

For these reasons, we as a community have decided to name the post office in Erie, on East 38th Street, the Gertrude A. Barber Post Office Building. I can again proudly say that every

member of the Pennsylvania delegation has cosponsored this bill.

Dr. Barber died April 29 at the age of 88. During her life, she impacted not only Erie but our entire Nation. Her influence stretched outside of Erie into neighboring counties, States and everywhere in her path. It is inconceivable for Erie to imagine a life without Dr. Barber. There was something about this extraordinary individual that made one think that she would be around forever. To quote the Erie Times, who eulogized Dr. Barber, ''She was a legend whose name and works will be with us for years to come.''

Dr. Barber served more than 2,850 developmentally disabled clients not only in Erie but throughout the State of Pennsylvania. She knew everyone by name, whether it was a client, volunteer, or staff person. She knew about their lives and the challenges they faced and she truly cared.

For those of us who visited her in her office and visited her at the Dr. Gertrude Barber Center, we saw that caring very much in action. The disabled children and adults always came first with her. Whether she was walking with the Governor or even a Member of Congress, Dr. Barber would always take the time to talk to her children. After all, they were every bit as important to her and maybe even more so.

A member of a prominent and respected family in Erie, Dr. Barber became a special education teacher in 1933. Focusing on a need in our community, she opened the center that now bears her name in 1952. The Barber Center has since blossomed and flourished under her strong and thoughtful and watchful hand. The Center has dramatically improved the lives of the developmentally disabled. The Center has facilities for autistic and Down syndrome children, classrooms, a library, and many satellite sites. It has sponsored adult literacy and adult job training programs. She and her staff have worked with mental health professionals from 33 countries, many coming to see the methodologies and accomplishments of this Center.

As Dr. Barber's dream continued to expand, so did the Center. During her 48 years of service, she established many satellite sites throughout Pennsylvania, including group homes in Philadelphia and in Pittsburgh. She started with a small staff, which grew to 60 in the 1970s, and more than 1,650 across the State today.

During her lifetime she was recognized by world leaders, including Pope John Paul II, and Presidents Kennedy and Bush. President Kennedy appointed Dr. Barber as a delegate to the White House Conference on Children and Youth. She was also a member of his Task Force on Mental Retardation. She testified many times before Congress about the needs of people with disabilities and mental retardation. National figures sought out her advice, and she gladly guided them.

This is the 10th anniversary of the year that the Americans With Disabilities Act was passed by Congress; and in July, 10 years ago, when President George Bush signed the Americans with Disabilities Act into law, he invited Dr. Barber to attend the ceremony. Her invitation was in recognition of the work she put into the caring for the disabled.

In 1981, she was on the planning committee for the International Year of Disabled Persons and was a delegate to the White House Conference on Education. Not only did Dr. Barber serve on countless local, State, and Federal committees, but she even established a number of local branches of national advocacy groups for people with mental retardation and related developmental disabilities.

She founded the Division of Mental Retardation within the Pennsylvania Federation Council for Exceptional Citizens, the Northwest Council for Exceptional Children and, in Erie County, the ARC. She also served as president of the Pennsylvania Association for Retarded Citizens, the Pennsylvania Federation Council for Exceptional Citizens, and the Polk State School Board of Trustees.

In her honor, scholarships have been established at Penn State University, Gannon University, Mercyhurst College, and the University of Notre Dame. She was one of the most recognized advocates of people with special needs for generations and she made this her mission.

Dr. Barber was truly called to her life's work. She dedicated her life to the thousands of children and adults whom others often treated with disregard. She believed strongly in her dream to transform the lives of the developmentally disabled. Her dream was just one small seed planted in the broad fields of life, but she loved it and protected it. She believed in her dream until it grew and blossomed and gave great joy. She proved without doubt that one person, one extraordinary person, can make a difference.

In the new testament, Mr. Speaker, Matthew wrote, ''The house fell, for it was not founded upon a rock.'' Dr. Gertrude Barber was the rock on which her centers for the disabled were built and, in fact, she was the rock on which the disability community in Erie and even throughout the United States could lean. Though she has died, her ideals and her goals live on.

It is my great honor to sponsor this legislation to name a post office after her. I urge my colleagues to join me in honoring a remarkable woman who has taught so much to so many with her message of caring.

Mr. Speaker, I would like to thank the gentleman from Georgia (Mr. BARR) for managing this bill on the floor, and I would also like to thank the gentleman from Indiana (Mr. BURTON), the gentleman from New York (Mr. MCHUGH), and the ranking member, as I said, the gentleman from Pennsylvania (Mr. FATTAH), for their efforts in committee to make sure that this bill passes and becomes a reality.

I hope all my colleagues will support H.R. 4625 in recognition of this remarkable woman.

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

Let me congratulate my colleague and my good friend from the great State and Commonwealth of Pennsylvania (Mr. ENGLISH). He is responsible for this legislation. And appropriately so, because in his home district, in the City of Erie, the person who we honor has been so well known. But also throughout our State her work has been documented, even in the area of Philadelphia, and it is obvious that this is the type of person that a Federal facility, like a postal facility, should appropriately be named, and will in this case be named, after her.

I want to thank my colleague for introducing this legislation and ask all to support H.R. 4625.

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

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4625.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAMUEL P. ROBERTS POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4786) to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. Roberts Post Office Building''.

The Clerk read as follows:

H.R. 4786

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

SECTION 1. SAMUEL P. ROBERTS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, shall be known and designated as the ''Samuel P. Roberts Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Samuel P. Roberts Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. 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. 4786.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of the bill to rename the post office located in Carrollton, Georgia, after the Honorable Sam Roberts.

Sam Roberts was not just a community leader, not just a husband, not just a father, he was a friend to all of us in the Seventh District of Georgia. Sam lost his battle against cancer on January 3 of this year.

Sam was a distinguished member of the Georgia State Senate whose district laid within the Seventh Congressional District of Georgia. He won his Senate seat to represent State Senate District 30 in 1986 and was reelected in 1998. His second term was tragically cut short after his untimely death earlier this year.

Born April 10, 1937 in Rome, Georgia, after obtaining a degree in insurance and risk management from Georgia State University in 1963, Sam Roberts maintained a long career in management heading Roberts Insurance Agency. Sam Roberts received numerous community and civic awards such as ''Who's Who'' in Georgia and Small Businessperson of the Year from the Douglas County Chamber of Commerce. He was also Associate of the Year for the Douglas County Home Builders Association. Sam was admitted to the Carrollton High School Trojan Hall of Fame and was a Jaycees International Senator.

Throughout his life, Senator Sam, as we knew him, was involved in countless community organizations and activities and civic clubs, including President of the Sertoma Club and the Douglas County Rotary Club, National Director of the U.S. Jaycees, in government affairs, and State Vice President of the Georgia Jaycees.

Sam Roberts also served on the Board of Directors of the American Cancer Society and the March of Dimes. He was the Chaplain of the Flint Hill Masonic Lodge. Sam was a member of the Douglas County Development Authority and the Douglas County Chamber of Commerce. He was also a youth football coach for 20 years.

While serving in the Georgia State Senate, Sam Roberts worked extremely hard for swift and strong punishment of criminals, to improve education for children, and to make our State government more efficient.

Sam Roberts was a resident of Douglas County for more than 30 years. He was a member of Heritage Baptist Church with his wife Sue. Sam is also survived by three wonderful children, Sherrie, Beau and Amber.

Mr. Speaker, the career of Georgia State Senator Sam Roberts as a professional, as a legislator, as a community leader, and as a family man clearly demonstrates why we should name this post office in his community, in our community, in his honor. I ask my colleagues to join me in renaming the U.S. Post Office in Carrollton, Georgia, after the Honorable Sam Roberts.

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

□ 1200

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

Mr. Speaker, H.R. 4786, which names a post office after Samuel P. Roberts, was introduced by Representative BARR on June 29, 2000.

Mr. Roberts was born on April 10, 1937, in Rome, GA. He obtained a degree in insurance and risk management from Georgia State University and went on to head the Roberts Insurance Agency. He decided to enter politics and in 1996 he ran for the Georgia State Senate, representing District 30.

Tragically, his second term was cut short when he lost his battle with cancer and died on January 3, 2000, in Douglasville, GA. Naming a post office in his honor is a fitting way to honor his commitment to his community and family. I urge the swift adoption of this measure.

Mr. Speaker, I would just like to reiterate my support for the bill at hand. I thank the gentleman from the great State of Georgia (Mr. BARR) for his comments.

Since Mr. Roberts formerly served as a member of the State Senate in his State and as a former member of the State Senate of Pennsylvania, I again want to thank the gentleman for recognizing that those who serve our public and other legislative bodies deserve recognition in this way.

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

Mr. BARR of Georgia. Mr. Speaker, I appreciate the very kind remarks of the gentleman from Pennsylvania (Mr. FATTAH), and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4786.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4450) to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building.''

The Clerk read as follows:

H.R. 4450

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

SECTION 1. JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, shall be known and designated as the ''Judge Harry Augustus Cole Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Judge Harry Augustus Cole Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. 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. 4450.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4450, was introduced by the distinguished gentleman from Maryland (Mr. CUMMINGS). This legislation designates the post office located at 900 East Fayette Street in Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office.'' H.R. 4450 is cosponsored by the entire House delegation of the State of Maryland.

Harry Augustus Cole was educated in the Baltimore City Public School System and graduated from Morgan State University in 1943. He served our Nation with distinction during World War II and then graduated from the University of Maryland School of Law, after which he practiced criminal and civil rights law.

Judge Cole is a man of many firsts. He was the first African American assistant attorney general in Baltimore City, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first African American to be named to the Maryland Court of Appeals.

Mr. Speaker, Judge Cole is most deserving of being honored by having a post office named after him in the city to which he has contributed so much for so long and where he has spent much of his life.

I urge our colleagues to support H.R. 4450, and I commend the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 4450. This legislation is the product of the work of my good friend, the gentleman from Maryland (Mr. CUMMINGS), who represents both the State of Maryland and the City of Baltimore.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the prime sponsor of this legislation, to allow him to articulate to the House his reasons to commend it for passage.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I also want to thank the gentleman from New York (Chairman MCHUGH) and certainly the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, the gentleman from Georgia (Mr. BARR), and to all those on the Subcommittee on Postal Service for their support in bringing this bill to the floor of the House.

I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual.

H.R. 4450 designates the United States Post Office building located at 900 East Fayette Street in Baltimore, Maryland, as the ''Judge Harry Augustus Cole Post Office Building.''

Judge Harry Augustus Cole was a man of many firsts. Judge Cole was the first African American assistant attorney general in Maryland, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first African American to be named to Maryland's highest court, the Maryland Court of Appeals.

Educated in Baltimore City Public Schools, Judge Cole graduated from Morgan State University in 1943. I might add that he later served as the chairman of the Board of Regents of that institution. While at Morgan, however, he served as the president of the student council and the founder and the first editor in chief of the Spokesman College Newspaper.

A World War II veteran, Judge Cole graduated from the University of Maryland Law School, my alma mater, and practiced criminal and civil rights law for many years. He was a member of the Alpha Phi Alpha Fraternity, the oldest African American fraternity in the country.

Unfortunately, he passed away on February 14, 1999.

Harry Cole, who is one of my role models, is fondly remembered for his quick wit and sharp sense of humor. He was a man who always helped those in need and was always there for the indigent. He offered his services free of charge and was not looking for any kind of fame or thanks. Judge Cole extended his hand without ever seeking acknowledgment. I think it is time he is honored for the contributions he gave not only to the City of Baltimore, but to the State of Maryland and to this country.

He was also a distinguished veteran and served proudly in our United States Army. He is survived by his wife, Doris, and his three daughters, Susan, Harriette and Stephanie.

I urge my colleagues to support this postal naming bill that salutes a person from my district who was an outstanding veteran, an outstanding jurist, and spent his life providing service to others.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess for 10 minutes.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 12 o'clock and 30 minutes p.m.

FEDERAL EMPLOYEES HEALTH BENEFITS—CHILDREN'S EQUITY ACT OF 2000

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2842) to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, as amended.

The Clerk read as follows:

H.R. 2842

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Health Benefits Children's Equity Act of 2000''.

SEC. 2. HEALTH INSURANCE COVERAGE FOR CHILDREN.

Section 8905 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter. If such employee fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides, and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the Service Benefit Plan.

''(2) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in the same or another health benefits plan under this chapter. If such employee fails to change to a self and family enrollment and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if that plan provides full benefits and services in the location where the child resides. If the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides, or, if the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides, the employing agency shall change the coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the Service Benefits Plan.

''(3) The employee may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for so long as the court or administrative order remains in effect and the child continues to meet the requirements of section 8901(5), unless the employee provides documentation showing that such coverage has been provided through other health insurance.''.

SEC. 3. ANNUITY SUPPLEMENT.

(a) IN GENERAL.—Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following:

''(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective with respect to the annuity

supplement payable for each month in the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reductions required to be made in calendar years beginning after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 2842.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, this bill accomplishes two objectives. First, it protects children who are entitled to health insurance under a court order. Second, the bill changes the timing of certain adjustments to annunities to allow OPM, that is the Office of Personnel Management, to make more accurate calculations.

Federal agencies currently cannot guarantee that a Federal employee's child is covered in accordance with a court or administrative order. Ironically, Mr. Speaker, Federal law already requires that protection for children whose parents work for an employer other than the Federal Government. Current law provides that Federal employees may enroll in an FEHBP plan, that is the Federal Employee Health Benefit Plan, either as an individual or for self and family coverage. They are under no obligation to do so however.

This important legislation will enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

In addition, Mr. Speaker, this bill delays adjustments to annunity supplementals received by certain FERS retirees. No one will be denied a benefit as a result of this delay, but the additional time will permit OPM to calculate these annunity supplements more accurately and ensure that the correct level of benefits is being paid.

Mr. Speaker, I am very proud to be an original cosponsor of this bill, it was introduced by the gentleman from Maryland (Mr. CUMMINGS).

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

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

Mr. Speaker, I and the children who will receive health care under this bill, thank the gentleman from Indiana (Chairman BURTON) and the gentleman from California (Mr. WAXMAN); the ranking member, the gentleman from Florida (Mr. SCARBOROUGH); and also we extend our appreciation to the members of our Subcommittee on Civil Service, the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maine (Mr. ALLEN), who have affirmed their commitment to children by cosponsoring this legislation.

H.R. 2842 also enjoys the support of Senator LEVIN who introduced the companion Senate bill, S. 1688, in the Senate.

According to the 1990 United States Census, 78 percent of noncustodial parents had health coverage available through their employers, but only 23 percent had their children covered voluntarily. The legal right to health care was denied to children by absentee parents, even though they had the option to include them in their medical insurance plan for little or no cost.

The Department of Agriculture estimates that in 1998, over 10 million children had no health care coverage. H.R. 2842 will allow the Federal agencies to join States and provide health insurance for children of its employees.

The Omnibus Budget Reconciliation Act of 1993 required States to enact legislation requiring employers to enroll a child in an employee's group health plan when a court orders the employee to provide health insurance for the child but the employee fails to do so.

The Federal Employee Health Benefits Program law provided that a Federal employee may enroll in a FEHB Plan. The law does not allow an employing agency to elect coverage on the employee's behalf.

Further, FEHB law generally preempts State law with regards to coverage and benefits; therefore, a Federal agency is unable to ensure that a child is covered in accordance with a court order.

To correct this inequity, H.R. 2842, would enable the Federal Government to enroll an employee in his or her family in the FEHB program when a State court orders the employee to provide health insurance coverage for a child of the employee.

If the affected employee is already enrolled for self-only coverage, the employing agency would be authorized to change the enrollment to self and family. If the affected employee is not enrolled in the FEHB Program, the employing agency would be required to enroll him or her under the standard option of the service benefit plan Blue Cross/Blue Shield.

Finally, the employee would be barred from discontinuing the self and family enrollment as long as the court order remains in effect, the child meets the statutory definition of family member, and the employee cannot show that the child has other insurance.

I am pleased that H.R. 2842 is supported by the Association for Children for Enforcement of Support. ACES is the largest child support organization dedicated to assisting disadvantaged families entitled to support.

Mr. Speaker, someone once said that children are the living messages we send to a future we may never see, and when we think about what we are doing here, it is a very important deed providing children with health care coverage. I have often said it is not the deed, but it is the memory, and if we can have children that can gain health care when they need it and can look back on their lives and had access to doctors and could get well throughout their lives, I think they will be able to look back, not only on pleasant memories, but they will be able to look back on a healthy life.

Mr. Speaker, I urge my colleagues to support this legislation and by doing so, we send a very powerful message to this future that we may never see.

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

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

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), my distinguished colleague and one who has been at the forefront of issues regarding Federal employees and children.

Mr. HOYER. Mr. Speaker, I thank my friend, the distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS) for yielding the time to me and, Mr. Speaker, I also want to join with my other friend, the distinguished gentlewoman from Montgomery County, Maryland (Mrs. MORELLA) in strong support of this Federal Employee Health Benefits Equity Act of 2000.

The gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Maryland (Mrs. MORELLA) have explained very well the purposes of this legislation.

Mr. Speaker, I rise to, perhaps, discuss this in a little different perspective, but I think an important one. Many pieces of legislation come to this floor and we focus on them because they seek to focus on personal responsibility. Unfortunately, in America today too many people believe that having children is not a personal responsibility. They believe that perhaps it is biologically their child, but somehow not their responsibility.

We have passed legislation and the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary is on the floor,

and he and I have cosponsored legislation which seeks to ensure that once somebody is blessed with a child that they will meet their responsibilities to that child. We passed legislation, as the gentleman from Baltimore pointed out, in 1993 which said that we were going to ensure that children would be covered under the health care policies of their parents. However, we did not also include Federal employees, the Federal Employee Health Benefit Plan, under that provision. We thought we had.

I think that was our concept but we had not and this legislation seeks to cure that defect in the language.

Now, the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and I are unreserved supporters of Federal employees; but Federal employees, like every other individual in our country, need to meet their responsibilities. I believe that I had and continue to have a personal responsibility for my children. It is not the responsibility of the gentleman from Maryland (Mr. CUMMINGS) or the responsibility of the gentlewoman from Maryland (Mrs. MORELLA), it is my responsibility. They are my children. Now, they are all adults now, but I view them as a blessing. I view it as a blessing that I have the opportunity and the wherewithal, very frankly, to help them.

I would hope every parent would do that; not only would I hope they would do it, it is my expectation that they would do it. And this legislation simply says, as the gentleman has pointed out in correct detail, that if a court orders you to carry your child on your policy and provide them with health care coverage, critical to every child in America, then the Federal employer, like every other employer, will comply with the law in making sure that you meet that personal responsibility.

So I rise in very strong support of that. Some will say it is an additional burden on Federal employees; I say it is not. It is an equitable treatment of Federal employees as we want every other employee in America to be treated so that children in America will be better cared for and will grow up more secure and safe and better citizens.

Although this bill will not get national publicity, it is a very important bill, not only for the children that it will immediately affect, but for the principle that it adopts of responsibility of parents for the welfare and well-being of their children.

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

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

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for his comments, because his comments really go to the crux of why we are doing what we are doing. I think all of us, all of us in this Congress accept the fact that we have to do everything in our power to make sure children have an opportunity to grow up so that they can be the best that they can be.

And when we think about something like health care, a child able to be taken care of if he has the measles or the mumps or has some kind of problem, health problem, just to know that that custodial parent is placed in a position where he or she can take that child to a health care provider and have that child taken care of is so very, very important.

As the gentleman said, this bill may not reach the headlines of our papers; but I can tell my colleagues one thing, it will reach the headlines of a lot of families, a lot of custodial parents who merely want their children to be healthy.

Mr. Speaker, I urge my colleagues to support this very important legislation. I again, thank the gentlewoman from Maryland (Mrs. MORELLA). I want to thank all of the members of our subcommittee for the bipartisan effort in our quest to uplift the children of our great Nation.

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

□ 1245

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

Mr. Speaker, this is a little bill that goes a long way, a long way as we have heard in terms of helping those children who are most vulnerable to make sure that they are provided health insurance. It is going to enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for sponsoring this bill, for recognizing its importance. I want to thank the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), for helping this bill come forward; the gentleman from Indiana (Mr. BURTON), the chairman of the full Committee on Government Reform; the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the cosponsors and those who have spoken today, the gentleman from Maryland (Mr. HOYER), in effect.

I do want to ask that the Members of this House unanimously, I hope, support this important legislation.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2842, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

''A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.''.

A motion to reconsider was laid on the table.

INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4870) to make technical corrections in patent, copyright, and trademark laws.

The Clerk read as follows:

H.R. 4870

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 ''Intellectual Property Technical Amendments Act of 2000''.

SEC. 2. OFFICERS AND EMPLOYEES.

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking ''Director'' each place it appears and inserting ''Commissioner''; and

(B) by striking ''Director's'' each place it appears and inserting ''Commissioner's''.

(2) The Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946''; 15 U.S.C. 1051 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(3)(A) Title 35, United States Code, is amended by striking ''Commissioner for Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking ''COMMISSIONERS'' and inserting ''ASSISTANT COMMISSIONERS'';

(ii) in subparagraph (A), in the last sentence—

(I) by striking ''a Commissioner'' and inserting ''an Assistant Commissioner''; and

(II) by striking ''the Commissioner'' and inserting ''the Assistant Commissioner'';

(iii) in subparagraph (B)—

(I) by striking ''Commissioners'' each place it appears and inserting ''Assistant Commissioners'';

(II) by striking ''Commissioners' '' each place it appears and inserting ''Assistant Commissioners' ''; and

(iii) in subparagraph (C), by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking ''the Commissioner'' each place it appears and inserting ''the Assistant Commissioner''.

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking ''Commissioner of'' each place it appears and inserting ''Assistant Commissioner for''; and

(ii) by striking ''Commissioners'' and inserting ''Assistant Commissioners''.

(E) Chapter 17 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Assistant Commissioner for Patents''.

(F) Section 297 of title 35, United States Code, is amended by striking ''Commissioner of Patents'' each place it appears and inserting ''Commissioner''.

(4) Title 35, United States Code, is amended by striking ''Commissioner for Trademarks'' each place it appears and inserting ''Assistant Commissioner for Trademarks''.

(5) Section 5314 of title 5, United States Code, is amended by striking

''Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.''

and inserting

''Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.''.

(6)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking ''**Director** '' and inserting ''**Commissioner**''; and

(ii) by striking ''Director's'' and inserting ''Commissioner's''.

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking ''Director'' and inserting ''Commissioner''.

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking ''Director'' each place it appears and inserting ''Commissioner''.

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)).

(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).

(M) Section 4203 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking ''generally'' and inserting '', generally''.

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking ''person'' and inserting ''third-party requester''; and

(B) in subsection (c), by striking ''Unless the requesting person is the owner of the patent, the'' and inserting ''The''.

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) by striking '', if any''.

(3) Section 314(b)(1) is amended—

(A) by striking ''(1) This'' and all that follows through ''(2)'' and inserting ''(1)'';

(B) by striking ''the third-party requester shall receive a copy'' and inserting ''the Office shall send to the third-party requester a copy''; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking ''United States Code,''.

(5) Section 317 is amended—

(A) in subsection (a), by striking ''patent owner nor the third-party requester, if any, nor privies of either'' and inserting ''third-party requester nor its privies'', and

(B) in subsection (b), by striking ''United States Code,''.

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking ''administrative patent judge'' each place it appears and inserting ''primary examiner''.

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.''.

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, is amended by striking ''Part 3'' and inserting ''Part III''.

(2) Section 4604(b) of that Act is amended by striking ''title 25'' and inserting ''title 35''.

(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.

SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1067(b)), is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(2) Section 6(a) of title 35, United States Code, is amended by inserting ''the Deputy Commissioner,'' after ''Commissioner,''.

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting '', privileged,'' after ''personnel''; and

(2) by adding at the end the following new subsection:

''(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees.''.

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking ''and attested by an officer of the Patent and Trademark Office designated by the Commissioner,''.

SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking ''on which the Patent and Trademark Office receives a copy of the'' and inserting ''of''; and

(2) by striking ''international application'' the last place it appears and inserting ''publication''.

SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 4505 is amended to read as follows:

''SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

''Section 102(e) of title 35, United States Code, is amended to read as follows:

'''(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States if and only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or' ''.

(2) Section 4507 is amended—

(A) in paragraph (1), by striking ''Section 11'' and inserting ''Section 10'';

(B) in paragraph (2), by striking ''Section 12'' and inserting ''Section 11''.

(C) in paragraph (3), by striking ''Section 13'' and inserting ''Section 12'';

(D) in paragraph (4), by striking ''12 and 13'' and inserting ''11 and 12'';

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking ''confer the same rights and shall have the same effect under this title as an application for patent published'' and inserting ''be deemed a publication''; and

(F) by adding at the end the following:

''(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

''374. Publication of international application.''.

(3) Section 4508 is amended to read as follows:

"SEC. 4508. EFFECTIVE DATE.

''Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall take effect on November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Director. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the provisions of section 4505 shallapply to the prior-filed application in determining the filing date in the United States of the application.''.

SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking '', United States Code''.

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking ''United States Code,'';

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking '', United States Code'';

(ii) in the first sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code'';

(iii) in the second sentence of subparagraph (B)—

(I) by striking ''United States Code,''; and

(II) by striking '', United States Code.'' and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking '', United States Code''; and

(v) in subparagraph (C), by striking '', United States Code''; and

(C) in subsection (c)—

(i) in the subsection caption, by striking '', UNITED STATES CODE''; and

(ii) by striking ''United States Code,''.

(3) Section 5 is amended in subsections (e) and (g), by striking '', United States Code'' each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking ''**before**'' and inserting ''**Before**''.

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

''21. Filing date and day for taking action.''.

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

''12. Examination of Application ..... 131''.

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

''116. Inventors.''.

(8) Section 154(b)(4) is amended by striking '', United States Code,''.

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking ''paragraphs'' and inserting ''paragraph'';

(B) in subsection (d)(2)(B)(i), by striking ''below the office'' and inserting ''below the Office''; and

(C) in subsection (g)(6)(B)(iii), by striking ''submittted'' and inserting ''submitted''.

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking ''of'' and inserting ''to''.

(11) Section 185 is amended by striking the second period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking ''United States Code,''; and

(B) by striking ''5, United States Code.'' and inserting ''5.''.

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking ''last paragraph of section 203(2)'' and inserting ''section 203(b)''; and

(B) in subsection (c)—

(i) in paragraph (4) by striking ''rights;'' and inserting ''rights,''; and

(ii) in paragraph (5) by striking ''of the United States Code''.

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking ''(2)'' and inserting ''(b)'';

(ii) by striking the quotation marks and comma before ''as appropriate''; and

(iii) by striking ''paragraphs (a) and (c)'' and inserting ''paragraphs (1) and (3) of subsection (a)''; and

(B) in the first paragraph—

(i) by striking ''(a)'', ''(b)'', ''(c)'', and (d)'' and inserting ''(1)'', ''(2)'', ''(3)'', and (4)'', respectively; and

(ii) by striking ''(1.'' and inserting ''(a)''.

(15) Section 209 is amended in subsections (a) and (f)(1), by striking ''of the United States Code''.

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking ''5901'' and inserting ''5908''; and

(ii) in paragraph (20) by striking ''178(j)'' and inserting ''178j''; and

(B) in subsection (c)—

(i) by striking ''paragraph 202(c)(4)'' and inserting ''section 202(c)(4)''; and

(ii) by striking ''title..'' and inserting ''title.''.

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after ''**Patent**''.

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

''256. Correction of named inventor.''.

(19) Section 294 is amended—

(A) in subsection (b), by striking ''United States Code,''; and

(B) in subsection (c), in the second sentence by striking ''court to'' and inserting ''court of''.

(20)(A) The item relating to section 374 in the table of contents for chapter 37 is amended to read as follows:

''374. Publication of international application.''.

(B) The amendment made by subparagraph (A) shall take effect on November 29, 2000.

(21) Section 371(b) is amended by adding at the end a period.

(22) Section 371(d) is amended by adding at the end a period.

(23) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) OTHER AMENDMENTS.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting ''in subsection (b),'' after ''(ii)''; and

(B) in paragraph (10)(A), by inserting after ''title 35, United States Code,'' the following: ''other than sections 1 through 6 (as amended by chapter 1 of this subtitle),''.

(2) Section 4802(1) of that Act is amended by inserting ''to'' before ''citizens''.

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking ''11(a)'' and inserting ''10(a)''; and

(B) in subsection (c), by striking ''13'' and inserting ''12''.

(4) Section 4402(b)(1) of that Act is amended by striking ''in the fourth paragraph''.

SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1117(a)), is amended by striking ''a violation under section 43(a), (c), or (d),'' and inserting ''a violation under section 43(a) or (d),''.

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking ''specifying the date of the applicant's first use'' and all that follows through the end of the sentence and inserting ''specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.''.

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

''(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

''(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

''(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served

upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

''(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion there of, to which the mark pertains, if that business is ongoing and existing.

''(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

''(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

''(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

''(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Director.

''(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.'';

(7) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after ''numeral''.

(8) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(9) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''.

(10) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code''.

(11) Section 34(d)(11) is amended by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(12) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''; and

(B) by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(13) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking ''a certification'' and inserting ''a true copy, a photocopy, a certification,''.

SEC. 9. ADDITIONAL CLERICAL AMENDMENT.

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking ''111(a)'' and inserting ''1113(a)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. 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. 4870, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4870, the Intellectual Property Technical Amendments Act of 2000. As my colleagues may well know, the benefits of the modern economy and promise for future prosperity are strongly related to our intellectual property laws. We are relying upon the proper functioning of our country's patent and trademark systems. These laws are not a casual accident, but a result of constant refinement by the Congress.

Last year, the Congress passed landmark patent reform in the American Inventors Protection Act in the final days of the session. As we all know in the hurly-burly to pass such a large bill, it is usually the case that there are often many oversights and errors which require a follow-up technical corrections bill.

I am pleased to report that the bulk of today's bill is clerical and technical in nature. It removes semicolons, aligns paragraphs, and makes other housekeeping changes. It changes some titles of key offices at the PTO. It also includes some noncontroversial changes to make certain that reexamination and the status of patent applications go as anticipated.

It advances the Congress' goal of making the PTO a more responsible government department. Most importantly, it preserves the protections for the American inventor that we designed and implemented last year.

In closing, I am pleased that the efforts of the progress on H.R. 4870 reunited me with my friend and colleague, the gentleman from California (Mr. ROHRABACHER), who is a tireless advocate for the American innovator. Likewise, I want to extend my remarks and thanks to the ranking member, the gentleman from California (Mr. BERMAN), for his valuable assistance in preparing this bill for consideration. The Members will realize that a strong and well-functioning patent and trademark system plays an integral part in our economic prosperity, should feel confident that the legislation before us plays a small, however important, role in continuing our efforts.

I urge all of my colleagues to support its passage.

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

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

Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. COBLE), for shepherding this bill forward. As the gentleman from North Carolina (Mr. COBLE) indicated, last year Congress enacted substantial reforms to the patent system. After the enactment last year of the American Inventors Protection Act and the intervening months of implementation, it has become apparent that several minor adjustments to the law are needed. Most of the corrections within the manager's amendment and the underlying H.R. 4870, the Intellectual Property Technical Amendments Act, are truly technical, correcting punctuation and the like.

There are some minor substantive changes that are needed to implement last year's legislation. H.R. 4870, as reported by the Committee on the Judiciary and the manager's amendment, address several such issues. I want to thank the legislative counsel's office and those at the Patent and Trademark Office and the patent and trademark communities who have assisted us in identifying the problems with this bill that it addresses, and I urge the body's vote for this bill.

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

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the

rules and pass the bill, H.R. 4870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESTABLISHING THE ELIGIBILITY OF ALIENS ADMITTED FOR PERMANENT RESIDENCE

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 5062

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

SECTION 1. LIMITING DISQUALIFICATION FROM CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENT ALIENS.

(a) TERMINATION OF PERIOD OF CONTINUOUS RESIDENCE.—

(1) IN GENERAL.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by adding at the end the following:

''Notwithstanding the preceding sentence, in determining under such sentence whether a period of continuous residence described in subsection (a)(2) has ended, any offense committed on or before September 30, 1996, shall be disregarded.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–587).

(b) TREATMENT OF PARTICULAR CRIMES AS AGGRAVATED FELONIES.—

(1) IN GENERAL.—Section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as contained in title III of division C of Public Law 104–208; 110 Stat. 3009–587) is amended by adding at the end the following:

''(d) TRANSITION RULE FOR CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding section 321 or 322 of this Act, section 440 of the Antiterrorism and Effective Death Penalty Act of 1996 (8 U.S.C. 1101 note), or any other provision of law (including any effective date), in applying section 240A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)(3)) to a criminal offense committed on or before September 30, 1996, the term 'aggravated felony' shall not be construed to include the offense if the offense—

''(A) was not considered to be within the meaning of that term (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) on the date on which the offense was committed; and

''(B) is considered to be within the meaning of that term (as so defined) by reason of the enactment of—

''(i) this Act, in the case of an offense committed during the period beginning on April 25, 1996, and ending on September 30, 1996; or

''(ii) this Act or the Antiterrorism and Effective Death Penalty Act of 1996, in the case of an offense committed on or before April 24, 1996.

''(2) EXCEPTION.—Paragraph (1) shall not apply to an offense of rape or sexual abuse of a minor. The amendment made by section 321(a)(1) of this Act shall not be affected by such paragraph.

''(3) COURSE OF CONDUCT.—In the case in which a course of conduct is an element of a criminal offense, for purposes of paragraph (1), the date on which the last act or omission of that course of conduct occurs shall be considered to be the date on which the offense is committed.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–587).

SEC. 2. POST-PROCEEDING RELIEF FOR AFFECTED ALIENS.

(a) IN GENERAL.—Notwithstanding section 240(c)(6) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)) or any other limitation imposed by law on motions to reopen removal proceedings, the Attorney General shall establish a process (whether through permitting the reopening of a removal proceeding or otherwise) under which an alien—

(1) who is (or was) in removal proceedings before the date of the enactment of this Act (whether or not the alien has been removed as of such date); and

(2) whose eligibility for cancellation of removal has been established by section 1 of this Act;

may apply (or reapply) for cancellation of removal under section 240A(a) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided under section 1 of this Act.

(b) PAROLE.—The Attorney General should exercise the parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) for the purpose of permitting aliens removed from the United States to participate in the process established under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5062, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made long-needed reforms to our laws governing the deportation of criminal aliens. The act put an end to criminal aliens' indefinitely delaying their deportations through endless appeals and put an end to serious criminals such as rapists being granted relief from deportation. The results are clear and gratifying. The number of criminal aliens deported by the INS has gone up dramatically since enactment of the act. Our neighborhoods are safer, especially immigrant neighborhoods, which have always borne the brunt of crime committed by aliens.

One aspect of the 1996 act has, however, led to a number of deportations that strike many, including myself, as unfair. The act broadened the definition of crimes which are considered aggravated felonies for which no relief from deportation is available. The hardship has come about because this change was made retroactively. The new definition of aggravated felony applies to crimes whenever committed. Thus, aliens who committed crimes years before enactment of the 1996 act, crimes not considered aggravated felonies when committed, have become deportable as aggravated felons.

Now, retroactive application of the law is the exception and not the rule, in the Committee on the Judiciary, for obvious reasons of notice and fairness. In addition, in some cases aliens have clearly rehabilitated themselves in the intervening years since committing their crimes, are no longer a threat to society and have started families. In these cases deportation seems an extreme remedy. Now, these hardship cases, in my opinion, could have been resolved if the INS had utilized its inherent power of prosecutorial discretion. The INS could have decided not to pursue deportation where the facts called out for forbearance. However, the INS has failed to do so. In fact, until recently the agency refused to admit it even had prosecutorial discretion.

Given this reality, it seems wise for Congress to step in and take action. H.R. 5062, introduced by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK), does so in a prudent and responsible manner. Under current law, legal permanent residents may apply for cancellation of removal if they have committed deportable acts. To ask for such relief, they must have been legal permanent residents for 5 years, have continuously resided in the U.S. for 7 years and not have committed any offense classified as an aggravated felony.

H.R. 5062 provides that offenses committed before 1996 that became classified as aggravated felonies in 1996, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Under the bill, legal permanent residents already removed because of such offenses could reopen their removal proceedings to apply for cancellation of removal. It is in the Attorney General's sole and unreviewable discretion whether to grant cancellation of removal in particular cases.

H.R. 5062 makes one more change in the law to carry out our intent. For the

purpose of qualifying for cancellation of removal, the 1996 reforms terminated periods of continuous residence as of the date of commission of a deportable offense. Legal permanent residents who have been here for many years thus could not benefit from cancellation of removal, even if it was otherwise available to them, because deportable offenses they committed in past years now prevent them from accumulating the required residence time.

H.R. 5062 provides that deportable offenses committed before the 1996 reforms no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of retroactive application of the stop time rule could reopen their removal proceedings to apply for cancellation of removal. I urge my colleagues to vote for H.R. 5062. Enactment of this bill will make a meritorious correction without endangering the success of the 1996 bill's thrust against crime.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if one can imagine this scenario, a contributing member of this community, it could be in Massachusetts or the State of Texas or in New York, a young man, newly married with a young family, working,contributing, and legislation then rises up and ensnares him into a net dealing with the whole question of a potential or a juvenile offense that might have occurred that did not even result in jail time. Either that individual is deported or the individual finds himself or herself at home in their country burying a loved one and cannot get back into the country. Their family is separated. All that they have is lost: homes, apartments, cars. This is the reason for H.R. 5062.

I want to commend the chairman, the gentleman from Illinois (Mr. HYDE); and ranking member, the gentleman from Michigan (Mr. CONYERS); my chairman, the gentleman from Texas (Mr. SMITH), for working through this; the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK); the gentleman from Texas (Mr. FROST), and his leadership; the gentleman from Florida (Mr. DIAZ-BALART); the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from California (Mr. FILNER); the gentleman from California (Mr. BILBRAY); the gentleman from California (Mr. ROGAN); and the gentleman from California (Mr. OSE) for working with us on a very important piece of legislation.

□ 1300

It is by nature a technical bill, but it will eliminate the technical obstacles to applying for cancellation of removal under section 240(a) of the Immigration Nationality Act.

The effects of the bill, however, are not just technical in nature, and I have given my colleagues a scenario of a divided family, painfulness, the spouse now detained because of some minor offense that some judge early in their life felt that they were not even warranted jail time. It will have very real consequences in the lives of many longtime lawful, permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 immigration bill.

First, it will eliminate retroactive application of the so-called stop-time rule by which an alien's lawful permanent resident status is taken away for eligibility purposes when proceedings are instituted by the issuance of a notice of to appear. No crime committed before September 30, 1996 would bar an immigrant from accruing the period of residency required for cancellation of removal.

It would also address the injustice caused by declaring longtime, permanent residents ineligible for relief, residents with families and roots in the community, on the basis of a retroactive change in the definition of an aggravated felony. The 1996 immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

For example, prior to 1996, a theft offense was treated as an aggravated felony only if a sentence of 5 years or more was imposed. Say, for example, Mr. X entered the U.S. as a lawful, permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provision of the 1996 law made Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime and never again in life ever committed a serious crime. The judge who presided over that case did not think that the offense warranted even a single day of incarceration. But under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

Mr. Speaker, H.R. 5062 requires the Attorney General to establish a process of reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to reapply for cancellation relief. The bill specifies that the Attorney General should parole such aliens into the United States, give them an opportunity to apply to regain their lawful permanent residence status, and will cover those individuals who are left wandering and in a complete state of confusion, having gone to bury a loved one or attend to a sick loved one and cannot now restore their status in the United States to seek reunification with their families.

Mr. Speaker, these changes will permit long-term, lawful permanent residents who have been affected by the retroactive changes unfairly in the law to have their day in court, families will be reunited, children will have fathers, children will have mothers, and I believe it is the right thing. I urge my colleagues to vote for this bill.

Mr. Speaker, I am pleased to rise in favor of H.R. 5062. It is by nature a very technical bill. It will eliminate technical obstacles to applying for cancellation of removal under section 240A of the Immigration and Nationality Act. The effects of the bill, however, are not just technical in nature. It will have very real consequences in the lives of many long-time, lawful permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 Immigration bill.

First, it will eliminate retroactive application of the so called "stop-time rule" by which an alien's lawful permanent resident status is taken away from eligibility purposes when proceedings are instituted by the issuance of a "notice to appear." No crime committed before September 30, 1996, would bar an immigrant from accruing the period of residency required for cancellation of removal.

It also would also address the injustice caused by declaring long-term permanent residents ineligible for relief on the basis of a retroactive change in the definition of an "aggravated felony." The 1996 Immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

For example, prior to 1996, a theft offense was treated as an aggravated felon only if a sentence of 5 years or more was imposed. Mr. X entered the United States as a lawful permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provisions of the 96 law make Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime. The judge who presided over the case did not think that the offense warranted even a single day of incarceration. Under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

H.R. 5062 requires the Attorney General to establish a process for reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to apply for cancellation relief. the bill specifies that the Attorney General should parole such aliens into the United States go give them an opportunity to apply to regain their lawful permanent resident status.

These changes will permit long-time lawful permanent residents who have been affected by retroactive changes in the law to have their day in court. I urge you to vote for this bill.

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

Mr. HYDE. Mr. Speaker, with great pleasure I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the very distinguished chairman of the Subcommittee on Immigration of the House Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary and my friend from Illinois for yielding me this time.

Mr. Speaker, the 1996 immigration reforms improve public safety by facilitating deportation of dangerous criminals. Since 1996, the number of criminal aliens deported annually has almost doubled from 36,000 in 1996 to 67,000 projected for this year. Increased deportations benefit public safety in the United States because the recidivism rate for criminal aliens is high. Justice Department statistics show that half of all criminal aliens released from prison are convicted of another serious offense within 3 years.

Since 1996, cancellation of removal has been the primary relief from deportation available to aliens. Legal permanent residents are likely to receive cancellation of removal if they have continuously resided in the U.S. for 7 years and have not committed any crimes classified as aggravated felonies.

Some hardship cases have arisen where deportation may not be appropriate. Republicans and Democrats in Congress have urged the Immigration and Naturalization Service to ensure that deportation proceedings are not prosecuted in inappropriate cases. However, the INS has been slow to respond.

Mr. Speaker, H.R. 5062, introduced by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK), makes two changes in existing law. The 1996 reforms expanded the aggravated felony definition and provided that aggravated felons are ineligible for cancellation of removal. The 1996 amendments that have resulted in hardship claims were added by Senate conferees late in the legislative process. While there is justification for deporting noncitizens convicted of serious crimes, applying a new standard retroactively arguably is unfair.

Mr. Speaker, H.R. 5062 provides that offenses committed before 1996 that were not aggravated felonies when committed, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Legal permanent residents already removed because of sexual offenses could reopen proceedings to apply for cancellation of removal.

Second, the 1996 reforms terminated an alien's continuous residence on the date of commission of a deportable offense. For some legal permanent residents, offenses committed in past years now prevent them from accumulating the required residents time to apply for cancellation of removal.

Mr. Speaker, H.R. 5062 provides that deportable offenses committed before 1996 no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of that provision could reopen their proceedings to apply for cancellation of removal.

Mr. Speaker, I hope my colleagues will support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and thank him for his assistance in this legislation.

Mr. CONYERS. Mr. Speaker, this bill is a product of the intense negotiations between the gentleman from Massachusetts (Mr. FRANK); the chairman of the committee, the gentleman from Illinois (Mr. HYDE); the gentleman from Florida (Mr. MCCOLLUM); the gentlewoman from Texas (Ms. JACKSON-LEE), and is a product of how far we have been able to go with the Frank-Frost original legislation, the gentleman from Texas has been in this in a very important way.

So we are proud of what we have been able to do in terms of deportable, minor offenses, which prior to the 1996 law, were pretty outrageous.

Mr. Speaker, I think we have come a great distance. We have another larger bill on this list waiting to be dealt with, the Fix 96 bill, so I am hopeful that spirit of the negotiations that brought us to this point on H.R. 5062 will move forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a major guiding force of this legislation who has worked in a determined and persistent and conciliatory manner to bring this legislation to the floor of the House, and a distinguished member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for her helpful efforts in bringing this bill to the floor.

I want to thank a number of members of the committee on both sides of the aisle, particularly the chairman of the full committee who put a lot into mediating this. It is an important step forward.

I want to say at the outset, I intend, if I am back here next year, and the early polls are good, to push for more changes than we now have. But this represents what we were able to agree on this late in this session, and while it is not everything I would like to see, it is a very significant improvement very worth passing. I hope that this bill does become law and that we are able to work with the other body and with the administration to put these provisions into law.

Some people have been puzzled and have asked me, well, how come there was retroactivity they thought constitutionally we could not do that, and I think it is an important point for people to understand. One cannot, under our Constitution, pass what the Constitution calls an ex post facto law if one is increasing the criminal penalty. But the right of a noncitizen with regard to deportation is not of the same constitutional order. So this is a policy judgment by the Congress to say that with regard to deportation, there should not be a difference, even though it would be constitutionally permissible of a retroactive sort. This leaves the effect of this bill on people who committed crimes on or after the date of enactment. That is one of the subjects that I hope we will address next year.

However, what this bill says that if one committed an offense on or before the date of the enactment of this bill, essentially one will now be treated as if the old law was in effect and there will be no element of retroactivity.

One of the things we should stress is, none of the offenses here affected now become nondeportable. We are not talking about people not being subject to deportation if, in a particular case, they ought to be deported. It increases the amount of discretion. It reduces the extent to which there was kind of an automaticity,but it does not say that people cannot be deported.

Not every offense is covered. I will be urging the Immigration Service, if we pass this, to read the intent of Congress here and in the discretion which they have and Members of this body had to recall to them the fact that no matter what, there is still prosecutorial discretion, that they will be guided by the spirit here of nonretroactivity in their administration of the bill and, in fact, focus on people who are genuinely dangerous and a threat to the community as they have the authority to do. But fundamentally, this is a time to feel good about making something better.

There are just two other points I want to make. One, I do want to stress, and I appreciate the gentleman from Texas including this and the gentleman from Illinois and others on the majority side; this is retroactively doing away with retroactivity, to some extent. That is, there are people who are already deported. Under this bill, people who are already deported will be able, because we instruct the Immigration Service to set up a procedure whereby they can apply to come back. The criteria I assume would be, to the extent that it can be reconstructed, if they would not have been deported in the first place, they should not be deported. It does not mean that everybody who is deported automatically

comes back. There is a process, and they will have to show that if it was not for this change in the law, they would not have been deported.

The last point I want to make is this, Mr. Speaker. I appreciate the indulgence of my colleagues. It is a general point, not about this bill. We hear much too much today from people who are critics of our political system who tell us that only big money dominates politics, who tell us that we cannot get anything done in Congress unless there are huge campaign contributions.

Is this a very significant piece of legislation. This is an acknowledgment that a piece of legislation in 1996 had some flaws, it is a correction of those flaws. It will mean a great deal to many people; and to my knowledge, there are not a lot of campaign contributors among them. The people who have been victimized by this who, on the whole, have been people of limited economic circumstances.

So for those who are quick to kind of argue that political participation by citizens is worthless, that only big money counts, I would ask them to look at the example of this bill. This is a bill that has come to the floor today because of broad support by average citizens, most of whom, as I said, are not people of enormous economic wealth. No campaign contributions brought this bill to the floor. This bill was lobbied by citizens all across the country. Members from Sacramento and San Diego and Texas and Massachusetts and Florida, all over the country came together, because we all had constituents who were caught in a device that maybe nobody intended, maybe they did, but it was clearly working out more harshly than we thought appropriate. So I am very grateful to the majority for bringing this bill forward. I do want to stress again, this is an example of how citizens can get together and use their rights as citizens to get legislation changed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his words. It is a broad-based effort, and we are delighted that the effort was led by the gentleman from Texas (Mr.FROST), the chairman of the Democratic Caucus, a member of the Committee on Rules. He is an original cosponsor of this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), and I thank him for his leadership on this matter.

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to support legislation that restores some sanity and common sense to our Nation's immigration policy. Many of us in Congress never intended for the 1996 immigration reforms to lead to the senseless deportation of those who have paid for their minor crimes and are now productive members of society. I have personally met with many families in my district that are now dealing with the trauma of the unwarranted deportation of a family member. These families will stay in America, but are often reliant on the care and financial support of the person facing deportation. These families may be forced to go on welfare or their children may be put into foster homes. Clearly, our communities are not made safer by breaking up these families.

With this legislation, Congress is beginning to address those provisions in the 1996 law that went too far. H.R. 5062 is the first step in the right direction of fixing the 1996 immigration legislation.

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Under current law, many legal residents can be deported for minor offenses that were not deportable offenses when they pled guilty to them. The bill will bring sensible relief to those who have paid for past infractions and will give people a chance to remain in the country. In addition, people who have already been deported under the retroactive provision of this law will be allowed to apply for readmission to the United States. This will allow families who were previously torn apart to reunite and regain the opportunity of the American Dream.

The bill does not fix all of the harsh provisions of the 1996 immigration legislation but it will bring some relief to those who have dealt with the tragedy of a deported family member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume just to add to the importance of this legislation the bipartisanship that is evident. In addition to a lack of campaign contributions, many of these individuals who will ultimately seek citizenship are not voters as well. I think the fairness of this issue has risen so high that we can see this bipartisan effort today.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H.R. 5062, and I want to thank the chairman and ranking members of the Committee on the Judiciary, and especially my colleague, the gentleman from Massachusetts (Mr. FRANK) for all their work in bringing this bill before the House.

In 1996, the Congress enacted the Illegal Immigration Reform and Responsibility Act. Now, nearly 4 years later, this Nation, built by immigrants, has witnessed broken families, devastated U.S. citizens, and people unjustly deported and jailed because of unjust provisions included in this bill.

In the Third Congressional District of Massachusetts, which I represent, there are large concentrations of immigrant families; from Portugal, especially the Azores, Cambodia, Cape Verde, and other regions. I have listened to the anguished stories of these families. Some families have members facing deportation for felony convictions committed years ago, and the person responsible has served time and made restitution to this community.

H.R. 5062 gives new hope to these desperate families. It does not fix all the problems, but it is an important step in the right direction.

Again, I want to thank all those involved for bringing it to the floor. I urge my colleagues to support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the Chair the amount of time remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 6 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER), a gentleman who has worked very hard on these issues, and these issues are particularly important to his constituents.

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also rise in support of H.R. 5062.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for offering this legislation; the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee for bringing it to us; and the gentleman from Illinois (Mr. HYDE), the chairman of the full committee; and their counterparts, the gentleman from Michigan (Mr. CONYERS), the gentleman from Massachusetts (Mr. FRANK), and the gentlewoman from Texas (Ms. JACKSON-LEE) for working so hard on this bill. All of them have graciously given me time to point out the situation that this has caused in San Diego, California, where we have hundreds of families affected by the legislation that was passed in 1996.

Like my colleagues, I rise to say that we must stop deporting hard-working legal immigrants only because they committed a minor infraction years or even decades ago. We must stop hauling parents away in the middle of the night in front of their children and denying these people, now in detention, the most basic constitutional rights that we in America believe everyone should have.

That is exactly what the 1996 law did. It redefined the term aggravated felony to cover virtually every crime ever committed. It was retroactive, covering misdemeanor crimes decades ago, and denied basic constitutional protections, such as bail and visitation rights. I repeat, we are talking about legal immigrants, immigrants residing in this country in legal fashion, who

have paid their debt, if appropriate, to our society.

So we are now rolling back several of the provisions of the 1996 law and allowing those who have been deported to appeal to return to the United States. This is a great and positive step. It will mean much to hundreds and hundreds of families in San Diego, California, and it means a lot to all Americans that we are restoring liberty and justice for all.

I urge everyone to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY). We have worked together on battered immigrant legislation, and I appreciate her work on these matters.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I represent a district, and I am proud to, that is probably one of the most diverse in the Nation. It is really a gateway to the United States for people from every part of the globe. They embrace our country in a way that demonstrates their willingness to play by the rules.

We are talking about people affected by this bill who are legally in the United States and, in the case of those people who have been impacted specifically by the provisions of the 1996 law, if they have committed some sort of infraction, have paid for that. They have already done that.

What this bill has done is cause pain to so many families because the rules have been changed, which in some ways is not really a very American idea, saying that now, even though they have paid the price, they are going to be deported because we have redefined that infraction that they have committed and they are going to be out. It means that they have to leave their families, and the pain that it has caused can be corrected by supporting H.R. 5062.

I urge that support, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume to once again ask for support of this legislation. I would hope that this is painless so that we can rid the pain to others.

Mr. CONYERS. Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was touted as legislation that would control illegal immigration. It actually has many provisions that significantly affect American families, legal immigration and others seeking to enter the United States legally. Among other things, the 1996 law subjectslong-time lawful permanent residents to deportation for minor offenses committed prior to the enactment of the 1996 law.

H.R. 5062 is the product of negotiations between Representative BARNEY FRANK, HENRY HYDE and BILL MCCOLLUM:

It applies only to eliminating mandatory deportation of legal permanent residents who committed offenses that were not deportable prior to enactment of the 1996 law.

Mandatory deportation will not be required for persons who were convicted prior to September 30, 1996, of "aggravated felonies" that were not deportable offenses at the time of the conviction. Such persons will be eligible to apply for cancellation of removal.

People who have already been deported under the retroactive provisions of this law will be allowed to apply for readmission to this country, thus providing an avenue for the reunification of families that were split apart by the retroactive impact of the 1996 law.

A technical provision known as the "stop-time rule" also will be eliminated for those offenses committed on or before enactment of the 1996 law. This provision enables persons to take advantage of cancellation of removal.

This bill is only a modest bill—merely a first step toward the reforms needed to address the injustices of the overly harsh 1996 law. With regard to retroactivity, persons who are deportable under the 1996 law remain deportable. Though they can apply for cancellation of removal, they may be ineligible for other benefits such as naturalization. Moreover, the bill applies only to convictions—rather than offenses—that occurred prior to the 1996 law.

More broadly, the harshness of the 1996 immigration law must be mitigated in future bills as seen in Representative JOHN CONYERS' H.R. 4966 (Fix '96 bill). The 1996 law must be changed to restore judicial review and discretion to the Attorney General and the courts, eliminate mandatory detention, and revoke retroactive enforcement of the 1996 law on a more comprehensive basis.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 5062 and urge my colleagues to vote for this important legislation.

Mr. Speaker, this bill corrects an injustice in our laws. In 1996, Congress made several modifications to the nation's immigration law that had a harsh and unintended impact on many permanent resident aliens who live in the United States. Under these modifications, legal aliens who had lived in the United States for many years, and who may have entered a plea for a burglary or simple assault years ago, suddenly were subject to automatic deportation with no right to seek a waiver from the Attorney General, as had been the law. This retroactive feature was a creation of the other body and was something I opposed in 1996. It is wrong and bad law.

The House intention under the 1996 act was to deport those immigrants who were guilty of a dangerous aggravated felony. However, a House/Senate Conference significantly expanded the definition of such felonies to include relatively minor crimes, and then applied the law retroactively. As a consequence, individuals who had committed comparatively minor crimes would be deported, even if the crime was committed 30 or 40 years ago.

The result, Mr. Speaker, was a manifest injustice.

I will cite one example: Olufoake Olaleye, a legal permanent immigrant originally from Nigeria and mother to two American born children had lived in the United States for a number of years and had supported her family without ever having taken a nickel of public assistance. She was hard working, dedicated to her family, and in 1993 she was charged with shoplifting $14.99 worth of baby clothes after she attempted to return several items to an Atlanta clothing store without a receipt.

Olufoake, not unreasonably, wanted the matter resolved quickly and so appeared in court with a lawyer where she pled guilty, paid a fine, and was given a 12 month suspended sentence. There the matter would have rested. Unfortunately, under the 1996 law, her crime was considered an aggravated felony, and because the '96 bill included retroactivity provisions, the I.N.S. reopened her case and ordered her deported.

Mr. Speaker, it is wrong to retroactively deport a hard working immigrant for stealing $14.99 worth of baby clothes and to equate shoplifting with murder, rape and armed robbery. This Congress, with the best of intentions, went too far. H.R. 5062 will go a long way towards correcting this by eliminating retroactivity.

Mr. Speaker, we are a just and fair nation and must strike a just and fair balance in our immigration codes. H.R. 5062 does just that and I urge my colleagues to vote in favor of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COPYRIGHT TECHNICAL CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5106) to make technical corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5106

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 "Copyright Technical Corrections Act of 2000".

SEC. 2. CORRECTIONS TO 1999 ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking "paragraph (2)" and inserting "paragraph (2)(A)"; and

(B) in paragraph (3), by striking "1005(e)" and inserting "1005(d)".

(2) Section 1006(b) is amended by striking "119(b)(1)(B)(iii)" and inserting "119(b)(1)(B)(ii)".

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding ''and'' after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

''(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';''.

SEC. 3. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking ''of performance'' and inserting ''of a performance''.

(2)(A) The section heading for section 122 is amended by striking ''**rights; secondary**'' and inserting ''**rights: Secondary**''.

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

''122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.''.

(3)(A) The section heading for section 121 is amended by striking ''**reproduction**'' and inserting ''**Reproduction**''.

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking ''reproduction'' and inserting ''Reproduction''.

(4)(A) Section 106 is amended by striking ''107 through 121'' and inserting ''107 through 122''.

(B) Section 501(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(C) Section 511(a) is amended by striking ''106 through 121'' and inserting ''106 through 122''.

(5) Section 101 is amended—

(A) by moving the definition of ''computer program'' so that it appears after the definition of ''compilation''; and

(B) by moving the definition of ''registration'' so that it appears after the definition of ''publicly''.

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking ''conditions;'' and inserting ''conditions:''.

(7) Section 118(b)(1) is amended in the second sentence by striking ''to it''.

(8) Section 119(b)(1)(A) is amended—

(A) by striking ''transmitted'' and inserting ''retransmitted''; and

(B) by striking ''transmissions'' and inserting ''retransmissions''.

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking ''(A) the'' and inserting ''(A) The''; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking ''(B) the'' and inserting ''(B) The''; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking ''(C) the'' and inserting ''(C) The''.

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking ''licensure'' and inserting ''licensing''.

SEC. 4. OTHER AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking ''107 through 120'' and inserting ''107 through 122''.

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94–553 is amended by striking ''section 290(e) of title 15'' and inserting ''section 6 of the Standard Reference Data Act (15 U.S.C. 290e)''.

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking ''Notwithstanding'' and all that follows through ''United States Code,'' and inserting ''Notwithstanding the limitations under section 105 of title 17, United States Code,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) will each control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. 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. 5106, the bill under consideration, and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume; and I rise today in support of H.R. 5106, the Copyright Technical Corrections Act of 2000 and urge the House to adopt the measure.

H.R. 5106 makes purely technical amendments to Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 and Title 17. H.R. 5106 corrects errors in references, spelling and punctuation, conforms the table of contents with section headings, restores the definitions in chapter 1 to alphabetical order, deletes an expired paragraph, and creates continuity in the grammatical style used.

This legislation makes necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5106 in a bipartisan manner and I urge its adoption today.

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

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

Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. COBLE) once again for his able leadership in moving this bill forward expeditiously.

H.R. 5106, the Copyright Technical Corrections Act of 2000, which I introduced with the chairman earlier this month, makes a number of technical corrections which merely change punctuation, correct cross references or paragraph numbering or correct editorial style in copyright law.

I want to join the chairman in thanking the Copyright Office and the legislative counsel for their assistance in the drafting of this bill, along with the staffs to the majority and my own subcommittee minority staff as well.

Mr. Speaker, I urge support for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am supportive of the goals targeted by H.R. 5106, the "Copyright Technical Corrections Act of 2000. This bill will make a number of technical corrections to the Amendments to Intellectual Property and Communications Omnibus Reform Act of 1999, which was passed and signed into law by the first session of the 106th Congress.

These corrections will allow for clarification of the intent and scope of the 1999 legislation and provide this Congress with an opportunity to correct errors, which have been identified in the current copyright law that have been identified.

The copyright laws of the United States provide legal rights to exclusive publication, production, sale, or distribution of a literary, musical, or artistic work, which also includes computer software programs. These laws provide security for those are engaged commercial transactions of every description. A few of these forms of commercial transaction are television, and radio programming, newspaper, and magazine publication as well as electronic commercial transactions that involve the commercial exchange of information.

It is my hope that the work we do today relating to copyright law will ensure the protection of artist's work well into this new century.

I would like to thank my colleagues on the House Judiciary Committee for their work in bringing this legislation to be considered by the Full House.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5106, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WORK MADE FOR HIRE AND COPYRIGHT CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5107) to make certain corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5107

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 ''Work Made For Hire and Copyright Corrections Act of 2000''.

SEC. 2. WORK MADE FOR HIRE.

(a) DEFINITION.—The definition of ''work made for hire'' contained in section 101 of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''as a sound recording,''; and

(2) by inserting after paragraph (2) the following:

''In determining whether any work is eligible to be considered a work made for hire under paragraph (2), neither the amendment contained in section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, nor the deletion of the words added by that amendment—

''(A) shall be considered or otherwise given any legal significance, or

''(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination,

by the courts or the Copyright Office. Paragraph (2) shall be interpreted as if both section 2(a)(1) of the Work Made For Hire and Copyright Corrections Act of 2000 and section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations.''.

(b) EFFECTIVE DATE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall be effective as of November 29, 1999.

(2) SEVERABILITY.—If the provisions of paragraph (1), or any application of such provisions to any person or circumstance, is held to be invalid, the remainder of this section, the amendments made by this section, and the application of this section to any other person or circumstance shall not be affected by such invalidation.

SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES CODE.

(a) AMENDMENTS TO CHAPTER 7.—Chapter 7 of title 17, United States Code, is amended as follows:

(1) Section 710, and the item relating to that section in the table of contents for chapter 7, are repealed.

(2) Section 705(a) is amended to read as follows:

''(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared.''.

(3)(A) Section 708(a) is amended to read as follows:

''(a) FEES.—Fees shall be paid to the Register of Copyrights—

''(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

''(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made;

''(3) for the issuance of a receipt for a deposit under section 407;

''(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

''(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

''(6) for the recordation, under section 302(c), of a statement revealing the identityof an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

''(7) for the issuance, under section 706, of an additional certificate of registration;

''(8) for the issuance of any other certification; and

''(9) for the making and reporting of a search as provided by section 705, and for any related services.

The Register is authorized to fix fees for other services, including the cost of preparing copies of Copyright Office records, whether or not such copies are certified, based on the cost of providing the service.''.

(B) Section 708(b) is amended—

(i) by striking the matter preceding paragraph (1) and inserting the following:

''(b) ADJUSTMENT OF FEES.—The Register of Copyrights may, by regulation, adjust the fees for the services specified in paragraphs (1) through (9) of subsection (a) in the following manner:'';

(ii) in paragraph (1), by striking ''increase'' and inserting ''adjustment'';

(iii) in paragraph (2), by striking ''increase'' the first place it appears and inserting ''adjust''; and

(iv) in paragraph (5), by striking ''increased'' and inserting ''adjusted''.

(b) CONFORMING AMENDMENT.—Section 121(a) of title, 17, United States Code, is amended by striking ''sections 106 and 710'' and inserting ''section 106''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) CARRY-OVER OF EXISTING FEES.—The fees under section 708(a) of title 17, United States Code, on the date of the enactment of this Act shall be the fees in effect under section 708(a) of such title on the day before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. 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. 5107, the bill under consideration, and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. Speaker, I rise in support of the Work Made for Hire and Copyright Technical Corrections Act of 2000 and urge the House to adopt this measure.

Mr. Speaker, H.R. 5107 is noncontroversial. It repealed an amendment in the Intellectual Property and Communication Omnibus Reform Act of 1999, IPCORA, which inserted sound recordings as a type of work that is eligible for work-made-for-hire status.

Following passage of the amendment in 1999, some recording artists argued that the change was not a mere clarification of the law and that it had substantively affected their rights. After the gentleman from California (Mr. BERMAN) and I had several meetings and agreed that a hearing was in order, the Subcommittee on Courts and Intellectual Property subsequently conducted a hearing on the issue of sound recordings as works made for hire on May 25, 2000.

A compromise solution was reached and H.R. 5107 implements that solution. It repeals the amendment in question without prejudice. In other words, it restores any person or entity to the same legal position they occupied prior to the enactment of the amendment in November 1999.

H.R. 5107 states that in determining whether any work is eligible for work-made-for-hire-status, neither the amendment in IPCORA nor the deletion of the amendment through H.R. 5107 shall be considered or otherwise given any legal significance or shall be interpreted to indicate congressional approval or disapproval of any judicial determination by the courts or the Copyright Office.

Mr. Speaker, I want to thank the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee; the gentleman from Illinois (Mr. HYDE), chairman of the full committee; and the gentlewoman from California (Mrs. BONO) on our committee. There are others who will speak to this issue who also were helpful.

H.R. 5107 also includes other noncontroversial corrections to the Copyright Act. These amendments remove expired sections and clarify miscellaneous provisions governing fees and recordkeeping procedures. They will improve the operation of the Copyright Office and clarify United States copyright law.

The manager's amendment to H.R. 5107 that we are voting on today makes purely technical and noncontroversial changes to the text of H.R. 5107 as it was reported from the Committee on the Judiciary. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5107 in a bipartisan manner, and I urge its adoption today.

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

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

My colleagues, this is a great day for musicians who create their own music

and musicians that perform, and so I am pleased to rise in support as a cosponsor of H.R. 5107 because it strikes sound recordings from the definition of work made for hire in section 101 of the Copyright Act.

□ 1330

The bill undoes an unfortunate amendment to the Copyright Act made last November which changed the act to treat sound recordings as ''works made for hire.''

Without the benefit of committee hearings or other debate, the change terminated any future interest that artists might have in their sound recordings and turned them over permanently to the record companies. We have since learned that we should never do business this way.

After hearing testimony at the subcommittee level, all of the interested parties, I am glad to say, the subcommittee members, the recording artists and the recording industry itself, agreed that the provision was a substantive change in law and should be struck so that the law could be returned to the status quo ante. That is what brings us here today.

Returning the law to where it was before November of 1999 will ensure that any and all artists' authorship rights are preserved. Fortunately, the recording industry has worked diligently with the recording artists for the past several months to arrive at mutually agreed language. While slightly awkward in its legislative construction, I nevertheless want to compliment both parties in their efforts to reach compromise.

Now, the digital era lends to creators great opportunities for marketing their works of authorship and, at the same time, great perils of theft of those works. As we try in other legislative contexts to protect intellectual property rights in an open system of the Internet, we should not be changing the rules of such property rights in the middle of the night without hearings or proper committee consideration, as happened last year when this provision was first inserted.

I express my appreciation that we are undoing this unwise change, and I thank all of my colleagues that participated in bringing this measure to the floor and ask all of the Members of the House to give an aye vote on this bill.

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

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. BERMAN), a very important member of the committee that worked on this legislation. He has been in this area for many years, and he did very important work in this area.

Mr. BERMAN. Mr. Speaker, I thank the gentleman, my friend and the ranking member of the committee, for yielding me a generous amount of time. I would like to do several things in that time.

First, I would like to commend a number of colleagues who have played pivotal roles in moving this important legislation, most specially the gentleman from North Carolina (Mr. COBLE), the chairman of our judiciary subcommittee. He deserves particular praise for his open-mindedness and his perseverance on this issue. There were times when people sought to impugn his motives. Notwithstanding that and the total lack of basis for that, he rose above the human tendency to retaliateand proceeded ahead, I think, very fairly and in wonderful fashion to help us come to this kind of conclusion. Without his efforts, this bill would not have had a chance of passing.

I also want to recognize several colleagues who have played pivotal roles: the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, who has been a champion for the rights of recording artists; the gentleman from Virginia (Mr. BOUCHER); the gentlewoman from California (Ms. LOFGREN); the gentleman from Florida (Mr. WEXLER); the gentleman from Massachusetts (Mr. DELAHUNT); as well as two individuals, one on the majority side, the gentlewoman from California (Mrs. BONO), who we spent a lot of time on airplanes to California discussing this issue, and a non-member of the committee who is particularly interested in this issue and the rights of recording artists, the gentlewoman from Missouri (Ms. MCCARTHY).

Section 2 of H.R. 5107 fulfills an important objective. It returns the law on the eligibility of sound recordings as ''works made for hire'' to its state prior to November 29, 1999. Equally important, it restores the state of the law without prejudicing the rights of any affected parties.

Finally, section 3 of H.R. 5107 makes certain unrelated changes to the Copyright Act to improve the operations of the U.S. Copyright Office. H.R. 5107 is strongly supported by both Democrats and Republicans. The bipartisan support for this bill is not surprising. It is wholly nonpartisan in nature.

H.R. 5107 is also supported by all affected private parties of whom I am aware. In fact, the language of H.R. 5107 is the successful outcome of several months of negotiations between representatives of the recording artists and the reporting industry.

For this accomplishment we owe a special note of gratitude to Jay Cooper and Cary Sherman, who represent the recording artists and recording industry, respectively. These gentlemen did yeoman's work and sacrificed many hours when they were supposed to be on vacation to craft acceptable language under often difficult circumstances and time constraints.

I would also like to thank the recording artists and record companies who worked so diligently to build this consensus.

The substance of H.R. 5107 is relatively easy to explain, while its impact is more difficult to express.

Section 2(a)(1) of this bill would remove the words ''as a sound recording'' from paragraph (2) of the definition of ''works made for hire'' in section 101 of the Copyright Act, words that this Congress added less than a year ago through section 1000(a)(9) of Public Law Number 106–113. When Congress enacted section 1000(a)(9) last year, we believed it was a non-controversial, technical change that merely clarified current law. However, since that time, we have been contacted by many organizations, legal scholars, and recording artists who take strong issue with section 1000(a)(9), asserting that it constitutes a significant, substantive change in law.

We have discovered that there exists a serious debate about whether sound recordings always, usually, sometimes, or never fell within the nine pre-existing categories of works eligible to be considered ''works made for hire.''

By mandating that all sound recordings are eligible to be ''works made for hire,'' section 1000(a)(9) effectively resolved this debate and impaired the ability of creators of sound recordings that argue that particular sound recordings and sound recordings in general cannot be made ''works made for hire.'' This, in turn, effectively prevents creators of sound recordings from attempting to exercise termination rights under section 203 of title 17, thus reclaiming their copyrights 35 years after an assignment of those rights.

By undoing section 1000(a)(9), section 2(a)(1) of this bill will prevent any prejudice to the legal arguments of creators of sound recordings. However, we are sensitive that, in undoing that amendment made by section 1000(a)(9), we must be careful not to adversely affect or prejudice the rights of other interested parties.

Specifically, we do not want the removal of the words ''as a sound recording'' from the definition of ''works made for hire'' to be interpreted to preclude or prejudice the argument that sound recordings are eligible to be ''works made for hire'' within the nine preexisting categories. In essence, we want the removal of the words ''as a sound recording'' from section 101 of the Copyright Act to return the law to the status quo ante so that all affected parties have the same rights and legal arguments that they had prior to enactment of section 1000(a)(9).

It is for these reasons that we were convinced of the need to include section 2(a)(2) within this statute, which is intended to ensure that the removal

of the words ''as a sound recording'' will have no legal effect other than returning the law to the exact state existing prior to the enactment of section 1000(a)(9). With the inclusion of section 2(a)(2) in this bill, we ensure that courts will interpret section 101 exactly as they would have interpreted it if neither section 1000(a)(9) nor section 2(a)(1) of this bill were ever enacted.

In short, and in conclusion, we believe passage of this bill is vital to ensure that whatever rights the authors of sound recordings may have had previously are restored and that such restoration is achieved in a way that does not unfairly impair the rights of others.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, it is my pleasure to stand before my colleagues today to speak in favor of H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000. I am pleased that H.R. 5107 is being considered on the floor today, and I support this legislation.

This bill not only levels the playing field for both artists and the recording industry, but it also reverses the 1999 amendment to the Copyright Act that would have taken advantage of young artists who are not emotionally or financially prepared to sign their recording lives away.

As a member of the House Committee on the Judiciary, which considered this legislation, I am pleased that both sides of this debate were willing to sit down and draft a proposal that ensures that both the authors and the recording industry both benefit from such a well-conceived compromise.

I would like to thank the House Subcommittee on Courts and Intellectual Property chairman, the gentleman from North Carolina (Mr. COBLE), and the gentleman from California (Mr. BERMAN) for their hard work, persistence, and wisdom in pursuing a mutual understanding that reflects the thoughts and desires of both sides on this issue.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas City, Missouri (Ms. MCCARTHY). No one has worked harder in the committee and in the negotiations than she.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of H.R. 5107, the Works Made for Hire and Copyright Corrections Act, a resolution to rectify a complex and contentious copyright issue for recording artists and record companies.

Just prior to adjournment last year, four seemingly innocuous words were added to the Satellite Home Viewers Improvement Act: ''as a sound recording.'' But these words were inordinately powerful. Their insertion threatened one of our most precious rights, the right to claim ownership of one's artistic creations. By inserting ''as a sound recording'' into the bill, the work for hire provision of U.S. copyright law (revised in 1976) was fundamentally changed to prohibit the ownership of a sound recording by its creator after 35 years of sometimes onerous exploitation by a record company.

Typically, after the 35-year term, ownership of these works returned automatically to the creator. But these four words denied forever the rights of recording artists to own their creative and deeply personal expression of themselves they so generously share with the rest of us. The words also revised existing law and industry practice and did not merely clarify it.

The measure before us today corrects this injustice and repeals without prejudice the change made to U.S. copyright law last year.

I commend Jay Cooper, counsel to the artists groups, and Cary Sherman, Senior Executive Vice President and General Counsel of the Recording Industry Association of America, for their resolute commitment to negotiate a mutually agreeable solution.

I would also like to extend my heartfelt congratulations to the recording artists who made Congress aware of the need to restore their rights, in particular Don Henley and Sheryl Crow, cofounders of the Recording Artists Coalition.

I also applaud the tireless efforts of the members of the Recording Academy, Adam Sandler, and in particular, the Academy's president and CEO, Michael Greene. Without their perseverance and tenacity, this resolution would not have been reached. I also want to recognize the work of Margaret Cone and Susan Riley with the American Federation of Television and Radio Artists for their help.

From the bottom of my heart, I want to thank the gentleman from North Carolina (Chairman COBLE), the gentleman from California (Mr. BERMAN), and the gentleman from Michigan (Mr. CONYERS) of the Subcommittee on Courts and Intellectual Property for their active involvement and commitment to resolving this work-for-hire issue.

Mr. Speaker, I am honored to join with members of the Committee on the Judiciary as a cosponsor of the legislation and especially with three of my colleagues on the subcommittee who also have been an integral part of this process: the gentleman from Virginia (Mr. BOUCHER), and the gentlewomen from California (Ms. LOFGREN) and (Mrs. BONO). I applaud the Committee for working together in a spirit of bipartisanship.

I urge Members of the House to vote yes on this resolution, and I urge the Senate to work together as we did for swift passage this session.

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

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I simply wanted to add, while this in some way seems like a simple and straightforward proposition, it took a huge amount of time. I think it is worth paying special note to the staff, to Debbie Rose Aaron Blain, and Sampak Garg, Alec French of the subcommittee staff, and Stacy Baird and all the other staffers who worked on this, because they did invest a great deal of time; and I think they should be commended for that.

□ 1345

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds to support the observations of the gentleman from California (Mr. BERMAN) and to single out Alec French and Sampak Garg on our judiciary staff who were so excellent.

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

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

In closing, the gentleman from California (Mr. BERMAN) was very generous in his remarks to me. I want to remind my colleagues, there were two mules pulling that wagon, and the gentlewoman from California (Ms. LOFGREN) referred to the two Howards. I refer to us as the two mules because it became heavy lifting at times. As has already been mentioned, I mentioned the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE). They were both helpful to us. The recording industry and the artist community were both helpful.

Mr. Speaker, there was no ill intent involved with this. The Committee on the Judiciary submitted, or dispatched, six conferees, three Democrats and three Republicans. All six of us signed the conference report. It was my belief that we were merely codifying accepted practice, but that is subject to interpretation. With the passage of this bill today, I think that both parties, that is, the recording industry and the artist community, will both breathe easier, particularly the artist community. I too want to thank the staffers. Both Democrat and Republican staffers worked very diligently on this matter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to offer comment on H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000, for consideration. Under 17 United States Code 203, authors of copyrighted works have the right to terminate assignments of their copyrights thirty-five years after an assignment. Section 203 is designed to ensure that authors, who may have received very little compensation for the initial

assignment of their copyrights, get a "second bite at the apple" if those copyrights have value after thirty-five years.

Unfortunately, the right to termination cannot be exercised by those creators of copyrighted works that are defined as "works made for hire," under 17 U.S.C. 101. Under Section 101, a work made for hire may be defined as: a work prepared by an employee within the scope of employment, or a work specially ordered or commissioned for use as one of ten, or in the case of statutorily specified categories of works. Statutorily specified work under the condition of a written agreement specifying the work shall be considered made for hire then it is considered under the conditions of section 101.

After the enactment of the new copyright law many organizations, legal scholars, and recording artists took strong issue with it, asserting that it constitutes a significant, substantive change in law. However, representatives of record companies and some legal scholars strongly disagreed with this position, and insisted that the new copyright law merely clarified prior law. The core of the disagreement between the opposing sides centers around pre-existing categories of works made for hire, and thus the extent to which sound recordings were previously eligible to be works made for hire.

This bill only attempts to return the law regarding copyrighted work that was created as "work made for hire" to its original state before the passage of the 1999 copyright legislation.

It is my hope that in the next Congress we will have an opportunity for hearing and full deliberation in this matter so that artists and commercial interest in copyrighted work can both be served by the copyright laws of our nation. I support this legislation and urge my colleagues to pass this.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHILD CITIZENSHIP ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2883) to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States, as amended.

The Clerk read as follows:

H.R. 2883

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 Citizenship Act of 2000''.

TITLE I—CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES

SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

''CHILDREN BORN OUTSIDE THE UNITED STATES AND RESIDING PERMANENTLY IN THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

''SEC. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

''(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

''(2) The child is under the age of eighteen years.

''(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

''(b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).''.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 320 and inserting the following:

''Sec. 320. Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired.''.

SEC. 102. ACQUISITION OF CERTIFICATE OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

''CHILDREN BORN AND RESIDING OUTSIDE THE UNITED STATES; CONDITIONS FOR ACQUIRING CERTIFICATE OF CITIZENSHIP

''SEC. 322. (a) A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320. The Attorney General shall issue a certificate of citizenship to such parent upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

''(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

''(2) The United States citizen parent—

''(A) has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or

''(B) has a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

''(3) The child is under the age of eighteen years.

''(4) The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

''(b) Upon approval of the application (which may be filed from abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

''(c) Subsections (a) and (b) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).''.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 322 and inserting the following:

''Sec. 322. Children born and residing outside the United States; conditions for acquiring certificate of citizenship.''.

SEC. 103. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 321 of the Immigration and Nationality Act (8 U.S.C. 1432) is repealed.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 321.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act and shall apply to individuals who satisfy the requirements of section 320 or 322 of the Immigration and Nationality Act, as in effect on such effective date.

TITLE II—PROTECTIONS FOR CERTAIN ALIENS VOTING BASED ON REASONABLE BELIEF OF CITIZENSHIP

SEC. 201. PROTECTIONS FROM FINDING OF BAD MORAL CHARACTER, REMOVAL FROM THE UNITED STATES, AND CRIMINAL PENALTIES.

(a) PROTECTION FROM BEING CONSIDERED NOT OF GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by adding at the end the following:

''In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act pending on or after September 30, 1996.

(b) PROTECTION FROM BEING CONSIDERED INADMISSIBLE.—

(1) UNLAWFUL VOTING.—Section 212(a)(10)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(D)) is amended to read as follows:

''(D) UNLAWFUL VOTERS.—

''(i) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local

constitutional provision, statute, ordinance, or regulation is inadmissible.

''(ii) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such violation.''.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended to read as follows:

''(ii) FALSELY CLAIMING CITIZENSHIP.—

''(I) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

''(II) EXCEPTION.—In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.''.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.

(c) PROTECTION FROM BEING CONSIDERED DEPORTABLE.—

(1) UNLAWFUL VOTING.—Section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)) is amended to read as follows:

''(6) UNLAWFUL VOTERS.—

''(A) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.

''(B) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such violation.''.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 237(a)(3)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(D)) is amended to read as follows:

''(D) FALSELY CLAIMING CITIZENSHIP.—

''(i) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any Federal or State law is deportable.

''(ii) EXCEPTION.—In the case of an alien making a representation described in clause (i), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such representation.''.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration andNationality Act on or after September 30, 1996.

(d) PROTECTION FROM CRIMINAL PENALTIES.—

(1) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Section 611 of title 18, United States Code, is amended by adding at the end the following:

''(c) Subsection (a) does not apply to an alien if—

''(1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);

''(2) the alien permanently resided in the United States prior to attaining the age of 16; and

''(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.''.

(2) CRIMINAL PENALTY FOR FALSE CLAIM TO CITIZENSHIP.—Section 1015 of title 18, United States Code, is amended by adding at the end the following:

''Subsection (f) does not apply to an alien if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making the false statement or claim that he or she was a citizen of the United States.''.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 216 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–572). The amendment made by paragraph (2) shall be effective as if included in the enactment of section 215 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–572). The amendments made by paragraphs (1) and (2) shall apply to an alien prosecuted on or after September 30, 1996, except in the case of an alien whose criminal proceeding (including judicial review thereof) has been finally concluded before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2883, the Adopted Orphans Citizenship Act, is designed to streamline the acquisition of United States citizenship by foreign children after they are adopted by American citizens. The bill makes the Federal Government a partner with parents who, with great compassion, adopt children from overseas.

The original bill was improved by an amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT). I want to thank him for suggesting the changes made in the amendment. He speaks with great credibility since he and his wife adopted a daughter from Vietnam at the end of the Vietnam War.

Under current law, when U.S. citizens adopt a child from another country, the child does not automatically become an American citizen. The parents have to apply to the Attorney General for a certificate of citizenship and the child then has to take the oath of allegiance required of naturalized citizens. This process can take years because of the naturalization backlog at the Immigration and Naturalization Service.

There is no reason to make adoptive parents and their new children to have to go through this laborious process.

After an adoption takes place and the child is brought to the United States consistent with United States immigration law, the child should automatically be considered a citizen.

This bill provides that internationally adopted children, and those children born to U.S. citizens overseas who are not considered citizens at birth, will become citizens as of the time they come to reside in the United States.

I should point out that it two U.S. citizens have a child overseas, the child is not considered a citizen at birth if neither parent has had a residence in the United States. Also, if a

U.S. citizen and an alien have a child overseas, the child is not considered a citizen at birth if the citizen parent has not lived in the United States for five years, at least two of which were after the age of 14. Under current law, such individuals have to go through a petition process in order to obtain citizenship.

The adopted children covered in this bill will be considered citizens automatically when certain conditions have been met.

First, at least one parent has to be a U.S. citizen. Second, the child must be under 18. Third, the child must be residing in the United States in the legal and physical custody of the citizen parent.

H.R. 2883's grant of citizenship will also apply to qualifying children who arrived in the United States prior to its enactment and have not yet obtained citizenship pursuant to the Immigration and Nationality Act (as it existed before enactment).

The manager's amendment to the bill addresses the situation of aliens who have improperly voted in federal, state or local elections, or represented themselves as citizens for the purpose of registering to vote or to procure benefits under the Immigration and Nationality Act or any other federal or state laws. The amendment is intended to provide a limited class of aliens with exemptions from the penalties in the Immigration and Nationality Act and title 18 governing illegal voting and false claims of citizenship.

In some cases, individuals had a reasonable—if mistaken—belief that they were citizens of the United States. This can occur among foreign-born children brought to the United States at a young age if their parents did not realize that the children did not become citizens automatically. Of course, the enactment of H.R. 2883 and its expansion of automatic citizenship to more foreign-born children of U.S. citizens will greatly reduce the number of cases in which such a mistake can be made.

One such case is that of a Korean orphan adopted at the age of four months by an American Air Force Master Sergeant and his American wife while they were stationed overseas. That orphan entered the U.S. with her adoptive parents when she was two years old and has spent the rest of her life in this country. it was only after she became an adult that it became known to her that her parents had never filed the necessary papers to naturalize her prior to her eighteenth birthday. Consequently, under current law, she is subject to potential deportation and even prosecution because she mistakenly voted, thinking she already was a U.S. citizen. It simply would not be fair to subject such an individual to penalties under the immigration law for genuinely innocent acts.

The protections in the managers' amendment (title II of the bill) are granted to an alien if: (1) each natural or adoptive parent of the alien is or was a citizen of the United States; (2) the alien permanently resided in the United States prior to attaining the age of 16; and (3) the alien reasonably believed at the time of voting or falsely claiming citizenship (to obtain an immigration or other benefit under federal or state law) that he or she was a citizen of the United States.

An alien who meets this standard is protected against a finding that the alien was not of good moral character (among other things, a bar to naturalization), and is protected against being considered inadmissible or deportable. In addition, an alien who meets this standard shall not be subject to prosecution under sections 611 and 1015 of title 18.

All of these amendments are effective as if they were included in the relevant sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

I urge my colleagues to vote for H.R. 2883.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Texas for his work. Let me as well add my support for this legislation and thank the gentleman from Massachusetts (Mr. DELAHUNT) for his leadership. This simply clearly allows an adopted child as we all believe in this country has equal status with our own birth children, this adopted child that is adopted by a citizen of the United States will now have the same rights as a child born overseas to a citizen parent. I believe this legislation clearly promotes children's interests and puts children first.

Finally, I think it is important to note that we protect those individuals who vote, who believed because of their status with a citizenship parent that they had in fact citizenship, did not intentionally vote incorrectly inasmuch as they may not have had citizenship. It protects them from criminal prosecution so that the matter can be remedied and protects the voting privileges of the United States but also protects those who are well intended.

Again, let me applaud both the chairman and the ranking member of thefull committee, again the chairman of this committee and as well indicate that I hope my colleagues will support this legislation, H.R. 2883.

Mr. Speaker, I rise in support of the Child Citizenship Act of 2000, H.R. 2883. This bill would amend section 320 of the Immigration and Nationality Act, the "INA," to include adopted children within its provision for automatic acquisition of citizenship in the case of certain children born outside of the United States who have a citizen parent. It also would amend section 320 of the INA to include adopted children within its provision for citizenship through the naturalization process for children born outside of the United States to a citizen parent who cannot under current law qualify for automatic citizenship.

Including adopted children within the provision for automatic citizenship would greatly reduce the time and paperwork required for adoptive parents to procure citizenship for their children. I think it is very important to do away with unnecessary distinctions between children by birth and children by adoption, particularly with respect to such things as paperwork requirements. The United States citizens who adopt foreign born children have enough paperwork to do in the adoption process.

The Child Citizenship Act also provides protections for certain aliens who vote in a United States election on the basis of a reasonable belief that they are citizens of the United States. It would protect them from being precluded from a finding of "good moral character," which is necessary for a number of important benefits under the INA, such as naturalization. It also would protect them from being considered inadmissible or deportable for voting in the election, and from certain criminal sanctions.

Voting in a United States election is one of the most precious rights of citizenship. I agree that people who vote knowing that they are not eligible for this privilege should be subjected to removal proceedings and in some cases to criminal prosecution, but I do not want this to happen in the case of a person who has a good faith belief that he is a citizen of the United States and has a right to vote. The law on automatic citizenship is difficult even for lawyers to understand. I am not at all surprised that people make mistakes when they interpret these provisions.

I urge you to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), the moving person of this legislation and one with a direct and very special interest and thank him for his leadership.

Mr. DELAHUNT. I thank the gentlewoman from Texas for yielding me this time.

Mr. Speaker, I am very pleased today to join my good friend from Texas, the chairman of the Subcommittee on Immigration and Claims, in support of this amended bill. I want to express my truly profound gratitude to him for his willingness to address the concerns that were raised by the administration and others regarding the bill as originally introduced. The bill before us is a consensus effort. In this time of cynicism about government and the sometimes strident debate we hear, this kind of bipartisan effort should remind the American people that Members with different perspectives who work hard and act in good faith can accomplish an excellent and bipartisan result. Again, I thank the gentleman from Texas for his leadership.

I also want to acknowledge the critical involvement of Senator Don NICKLES, the author of the companion bill in the Senate, as well as Senators KENNEDY and LANDRIEU who worked so closely with us to get this measure, hopefully, to the President's desk.

Finally, let me express my appreciation to a number of key staff members without whom we would not be here today. I notice George Fishman, counsel to the subcommittee, and Peter Levinson of the full committee staff also played a key role. I would be remiss not to note the contribution of a Senate staffer, McLane Layton of Senator NICKLES' staff, who has not only been a major force behind this legislation but is herself the parent of children adopted from Latvia. Her concern and passion to remedy discrimination

against adopted children is truly remarkable. I would also be remiss not to mention my own legislative director who has poured his heart and soul into this effort, Mark Agrast.

Mr. Speaker, today is truly a good day, a day that has been long in coming for adoptive parents like myself who feel deeply that their children who were born overseas have been treated differently, as if they were less American than are children who were born in the United States. For the law currently provides that our foreign-born sons and daughters are aliens. They do not have the benefits of citizenship when they arrive on our shores, come into our homes and fill up our lives with joy and love. No, we must petition for naturalization on their behalf, as if we, their parents, were not American citizens. That is unacceptable to Americans who have adopted and particularly for those who are considering adoption. That lengthy process of naturalization requires them to deal with a bureaucracy that is already overburdened and lacking in resources, for no valid reason. It is insulting to parents who have already overcome innumerable administrative obstacles to adopt our children and to bring them home. And more importantly, it is disrespectful to our children.

This bill would change all that. Under the bill, citizenship would be conferred automatically on all adopted children once they are in the United States. Parents will no longer be required to submit an application to have their children naturalized. Adopted children will no longer be the subject of discrimination. And parents will no longer need to worry about whether their children are citizens or not. And, of course, the INS will be relieved of the need to spend its limited resources on some 16,000 naturalization cases for the past year alone, and that number is expected to increase.

Furthermore, this bill would avoid some heartbreaking injustices that have sometimes tragically occurred. Some parents have discovered to their horror that their failure to complete the paperwork in time can result in their forced separation from their children under the summary deportation provisions Congress enacted back in 1996.

That was the experience of the Gaul family of Florida who adopted their son John at the age of 4. Though he was born in Thailand, he speaks no Thai, has no Thai relatives, knows nothing of Thai culture and has never been back to Thailand, until the U.S. Government deported him last year as a criminal alien at the age of 25 for property offenses that he had committed when he was a teenager.

One may ask how this could happen. The Gauls had obtained an American birth certificate for John shortly after adopting him and did not realize until he applied for a passport at age 17 that he had never been naturalized. They immediately filed the papers; but due to INS delays, his application was not processed before he turned 18. An immigration judge ruled that the agency had taken too long to process the application, but that did not make any difference. The 1996 law allowed him no discretion to halt the deportation. At least that is how the INS interpreted it.

In another recent incident, Joao Herbert, a 22-year-old Ohioan adopted as a young boy from Brazil, was ordered deported because as a teenager he sold several ounces of marijuana to a police informant. It was his first criminal offense, for which he was sentenced only to probation and community treatment. But under the law he was an aggravated felon subject to deportation because he had never been naturalized. He has now been in detention for a year and a half because the Brazilians consider his adoption irrevocable and refuse to accept him. And were they to do so, it is uncertain how he would get by. Like John Gaul, he knows no one in his native country and no longer understands his native tongue.

No one condones criminal acts, Mr. Speaker; but the terrible price these young people and their families have paid is out of proportion to their misdeeds. Whatever they did, they should be treated like any other American kid. They are our children, and we are responsible for them.

Finally, Mr. Speaker, the bill provides relief from deportation to one particular group of noncitizens who are subject to deportation under the 1996 law, namely, those who voted or registered to vote in U.S. elections in the reasonable mistaken belief that they were citizens at the time. This is a modest but important change that will correct a glaring injustice in our immigration laws.

The Child Citizenship Act of 2000 enjoys bipartisan and bicameral support and the full support of the administration. Again, I want to thank the gentleman from Texas (Mr. SMITH) and his staff and our colleagues at INS for their cooperation and hard work in enabling us to reach this result. I urge all of my colleagues to join in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge my colleagues to support this legislation to remedy this important flaw in our immigration laws.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his generous comments.

Mr. GEJDENSON. Mr. Speaker, I am proud to join my good friend from Massachusetts (Mr. DELAHUNT) and other members of the Judiciary Committee in support of H.R. 2883, the Child Citizenship Act of 2000, as amended. And I want to thank all Members who worked together to find common ground so that this legislation could move forward in a way that was acceptable to the Administration as well as the House and the Senate.

Over the course of the last year and more, the Committee on International Relations has been working on implementing legislation for the Hague Convention on Inter-Country Adoption, which this House took up and passed last night. This brought to my attention once again the difficult, and what must sometimes seem endless, procedures faced by U.S. citizens in adopting foreign-born children. We have all had constituents who have called our offices, desperate for help in solving last minute difficulties that have arisen in their search to build their family. After all the exhausting paperwork, extensive travel, and sometimes heart-wrenching experiences associated with so many international adoptions, it is unfortunate that U.S. families must negotiate yet another paper maze to obtain U.S. citizenship for their children. This additional hurdle is particularly difficult because upon their return many parents look forward to settling down to the joy of family life and its new challenges; they are not seeking yet more forms to fill out and move through the Immigration and Nationalization Service.

It was for this reason that I was the original co-sponsor of H.R. 3667, introduced by my good friend from Massachusetts, Mr. DELAHUNT, which has now been combined with the measure the House is taking up today. Once these children arrive in the United States, and the adoption is finalized, these children should be U.S. citizens, without going through a further naturalization process. And that is what H.R. 2883 does.

But we should remember that this is not just to avoid paperwork or ease mental discomfort. H.R. 2883 will end the occasional instance of injustice perpetrated by our immigration system. As mentioned by colleagues, there are tragic cases where children of U.S. parents, never naturalized because of inadvertence, are facing deportation because of a crime they have committed. While these children must face their punishment, to deport them to countries with which they have no contact, no ability to speak the language, and no family known to them is needlessly cruel. We must be sure that this never happens again.

I once again commend the sponsors of this legislation on both sides of the aisle and hope for its expedited consideration in the Senate.

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased that my colleagues have passed H.R. 2883, the Adopted Orphans Citizenship Act, and I wish to add my strong support for this long overdue legislation. H.R. 2883 would restore fairness to our immigration law by removing the burdensome requirement that U.S. citizen parents apply for naturalization for their foreign-born adopted children.

What our current immigration policy says to parents is that adopted foreign-born children are not equal to their biological siblings and are not worthy of automatic U.S. citizenship. Requiring

foreign-born adopted children to apply for naturalization is insulting and it's wrong. with the passage of H.R. 2883, we are sending a clear message to American parents that, should they choose to adopt a child from another country, U.S. citizenship will be awaiting that child once he or she sets foot on U.S. soil. As the aunt of Korean-born Jamie and Natalie, I strongly identify with this issue.

The birthright of all children of U.S. citizen parents, whether they are biological or adopted should be automatic U.S. citizenship. This bill will simplify the already complicated and complex process parents undertake when they embark on an international adoption and I applaud its passage.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2883, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1400

RELIGIOUS WORKERS ACT OF 2000

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4068) to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

The Clerk read as follows:

H.R. 4068

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 ''Religious Workers Act of 2000''.

SEC. 2. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''2000,'' each place it appears and inserting ''2003,''.

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

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. 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. 4068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

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

Mr. Speaker, under the Immigration and Nationality Act, a program exists which authorizes religious denominations throughout the United States to sponsor nonminister workers in religious vocations and religious occupations, such as lay workers, to enter the United States as permanent residents.

This program also authorizes visas for temporary nonimmigrant religious workers who will serve for a period not exceeding 5 years. This program was created by Congress in 1990 and has been extended several times. The nonminister religious worker programs will expire September 30th of this year; therefore, an extension of the existing program is necessary and must be accomplished with expediency.

As it exists, the legislation requires that an immigrant religious worker has been carrying on such vocation continuously for at least the 2-year period immediately preceding the time of application. This requirement was thought to reduce the likelihood of fraudulent applications; however, the Department of Justice and the INS have raised concerns regarding suspected fraud existent in the program.

Because of a vague definition of religious worker and the inability to require other precise definitions of religion, there has been suggestion of fraudulent applications in both the temporary and permanent categories.

In opposition to the views of the Department of Justice and the INS, religious institutions assert that a quantity of fraudulent applications has not been verified. The religious institutions hold the view that the limited number of visas granted per year for the nonminister aliens, which is not to exceed 5,000 persons, does not demand the addition of antifraud provisions to the existing programs.

In order to accommodate the interests of both the administration and the religious institutions, provisions to prevent fraudulent applications were discussed. Despite numerous attempts to find a resolution to these concerns and extend the program permanently, there remains disagreement as to the suggested antifraud provisions. Therefore, this bill will extend the existing Religious Worker Visa program for an additional 3 years.

Mr. Speaker, it is my hope that within that time, Congress will develop an acceptable program which reduces potential fraud, yet not require excessive administrative demands on the religious institutions which utilize this program.

Mr. Speaker, I urge my colleagues to vote for H.R. 4068 and thereby approve a 3-year extension of the existing important program.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Indiana (Mr. PEASE), my friend, for yielding the time to me.

Mr. Speaker, I am happy to play a part in the creation of the Religious Worker Program in 1990. I support these visas since they allow American religious denominations, large and small, to benefit by the addition of committed religious workers from overseas.

The visa program expires at the end of the fiscal year September 30. H.R. 4068, introduced by our colleague, the gentleman from Indiana (Mr. PEASE), extends the program for 3 additional years until October 2003.

Mr. Speaker, I want to thank the gentleman for all the good work he has done on this issue. I urge my colleagues to support the bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to add my accolades and appreciation to the gentleman from Indiana (Mr. PEASE) for H.R. 4068, and also note the great work of the gentlewoman from California (Ms. LOFGREN) on this matter and thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work on the Religious Workers Act of 2000.

Mr. Speaker, this legislation has the support of the U.S. Catholic Conference, the Lutheran Immigration Service and many other religious organizations. It is a vital piece of legislation that again raises its head in unity of Republicans and Democrats.

This legislation allows religious organizations to sponsor nonminister religious workers from abroad to perform service in the United States. Examples of nonminister related work are included, but not limited to nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters. Such individuals make important contributions to the United States by caring for the sick, the aged, providing shelter and nutrition to the most needy, supporting families in crisis and working with the religious leaders.

Mr. Speaker, this country has always had a history of involving the religious

community in public service or voluntaryism, helping the most needy of our community, and this legislation allows this to happen.

I would have liked this legislation to have been permanent, but it extends it for 3 years. I hope during this time frame we will be able to see the value of these religious workers and ensure that we work to keep them. Mr. Speaker, I ask my colleagues to support this legislation.

Mr. Speaker, the Non-Minister Religious Worker Visa Program, originally enacted as part of the Immigration and Nationality Act of 1990, allows religious organizations to sponsor non-minister religious workers from abroad to perform service in the United States. Examples of non-minister religious workers include but are not limited to: nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters. Such individuals make important contributions to the United States by: caring for the sick and aged, providing shelter and nutrition to the most needy, supporting families in crisis, and working with religious leaders.

The program is composed of two parts. Part one, the Special Immigration provision, provides for up to 5,000 Special Immigrant visas per year. Once granted, this type of visa allows religious workers to permanently immigrant to the United States. Under current law, this part of the program will expire on September 30, 2000. While this bill will extend the program for an additional 3 years, we really need a bill that makes the program permanent.

The Executive Director of the Lutheran Immigration Service has stated that, "Foreign lay religious workers admitted to the United States under this provision serve very important and traditional religious functions in the congregations and the communities where they work and live . . . in many communities, there is an increasing need for religious workers who can help develop or start congregations for certain ethnic or language groups . . . and Congress should extend the provision permanently so that religious denominations may implement, without any trepidation, long-term strategic plans that rely on lay foreign workers." However, I support this bill as it does extend the program for 3 years.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), who has worked very hard on this legislation. I thank her for her leadership on it.

Ms. LOFGREN. Mr. Speaker, I rise in strong support of extending the religious worker visa program. I applaud my colleagues for recognizing the importance of this provision to religious communities across America.

My only reservation to the passage of this bill is the temporary nature of the extension. I believe that Congress should extend the religious worker program permanently. I believe that the Catholic Church, the Lutheran Church, the Methodist Church, the Christian Science Church, the Church of Jesus Christ and Latter Day Saints and other churches, synagogues, temples and mosques across America have much worthier work to accomplish than lobbying politicians every 3 years to allow a few thousand nuns, monks, sisters, brothers, cantors and other religious workers to enter this country.

Religious workers are among the most valuable members of our American society. They come to America at the call of their church and expect only the opportunity to serve. The services they provide to the communities they become a part of are immeasurable. For example, religious workers are involved in caring and ministering to the sick and elderly. Think about the hospitals and local hospice care facilities across the country and the comfort those who offer spiritual solace provide.

These facilities and their patients are all the better for our religious workers. Religious workers work with adolescents and young adults offering them spiritual guidance and counsel at a critical time in their lives.

Religious workers are involved in helping refugees adjust to a new way of life. Think of how frightening it must be to come to a new land and how welcoming it must be to know that you still have a church, where someone can lead a prayer in the language of your parents.

Most importantly, religious workers help our poor. Mr. Speaker, 3 years ago, in 1997, I read a letter from Mother Teresa urging Congress to extend this program. She said "my sisters serve the poor in Detroit where we have a soup kitchen and a night shelter for women. Let us all thank God for this chance to serve his poor."

That letter moved me and many of my colleagues to create legislation that would extend this provision permanently. While I applaud Congress for bringing this H.R. 4068 to the floor, I wish with all my heart that I could make this extension a permanent one.

I thank all of my colleagues who have worked with me on this issue, and I especially want to thank the gentleman from Indiana (Mr. PEASE) for his willingness to reach across the aisle to work with me on this important issue and for his successful struggle to bring a good resolution, although not a perfect one, to the floor today. I thank the gentleman and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that we can fix this, as we can fix other immigration issues, and I ask my colleagues to support this legislation. And I thank the gentleman from Indiana (Mr. PEASE) for his leadership.

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

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

Mr. Speaker, I want to acknowledge the work of the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims; the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of the subcommittee; and the gentlewoman from California (Ms. LOFGREN) and the gentleman from Utah (Mr. CANNON), all of whom spent a great deal of time with us and with staff and with representatives of the religious denominations trying to meet the objections that were raised by the Department of Justice and the Immigration and Naturalization Service.

Mr. Speaker, it was the most candid, open, honest, effort that I have seen during my time here to reach a consensus; everyone operating in good faith. We have before us what I believe is a good bill. It is not a perfect bill. But under the circumstances and given the urgency of time, I believe it is the best we can do for the most. I would encourage all my colleagues to support the legislation.

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

The SPEAKER pro tempore (Mr. SCARBOROUGH). The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 4068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEBT RELIEF AND RETIREMENT SECURITY RECONCILIATION ACT

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5203) to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

The Clerk read as follows:

H.R. 5203

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Debt Relief and Retirement Security Reconciliation Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

DIVISION A—DEBT RELIEF

Sec. 100. Findings and purpose.

TITLE I—DEBT REDUCTION LOCK-BOX

Sec. 101. Establishment of Public Debt Reduction Payment Account.

Sec. 102. Reduction of statutory limit on the public debt.

Sec. 103. Off-budget status of Public Debt Reduction Payment Account.
Sec. 104. Removing Public Debt Reduction Payment Account from budget pronouncements.
Sec. 105. Reports to Congress.
TITLE II—SOCIAL SECURITY AND MEDICARE LOCK-BOX
Sec. 201. Protection of Social Security and Medicare surpluses.
Sec. 202. Removing Social Security from budget pronouncements.
DIVISION B—RETIREMENT SECURITY
TITLE XI—INDIVIDUAL RETIREMENT ACCOUNTS
Sec. 1100. References.
Sec. 1101. Modification of IRA contribution limits.
TITLE XII—EXPANDING COVERAGE
Sec. 1201. Increase in benefit and contribution limits.
Sec. 1202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 1203. Modification of top-heavy rules.
Sec. 1204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 1205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 1206. Elimination of user fee for requests to irs regarding pension plans.
Sec. 1207. Deduction limits.
Sec. 1208. Option to treat elective deferrals as after-tax contributions.
TITLE XIII—ENHANCING FAIRNESS FOR WOMEN
Sec. 1301. Catch-up contributions for individuals age 50 or over.
Sec. 1302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 1303. Faster vesting of certain employer matching contributions.
Sec. 1304. Simplify and update the minimum distribution rules.
Sec. 1305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 1306. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.
TITLE XIV—INCREASING PORTABILITY FOR PARTICIPANTS
Sec. 1401. Rollovers allowed among various types of plans.
Sec. 1402. Rollovers of IRAs into workplace retirement plans.
Sec. 1403. Rollovers of after-tax contributions.
Sec. 1404. Hardship exception to 60-day rule.
Sec. 1405. Treatment of forms of distribution.
Sec. 1406. Rationalization of restrictions on distributions.
Sec. 1407. Purchase of service credit in governmental defined benefit plans.
Sec. 1408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 1409. Minimum distribution and inclusion requirements for section 457 plans.
TITLE XV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT
Sec. 1501. Repeal of 150 percent of current liability funding limit.
Sec. 1502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 1503. Excise tax relief for sound pension funding.
Sec. 1504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 1505. Treatment of multiemployer plans under section 415.
Sec. 1506. Prohibited allocations of stock in S corporation ESOP.
TITLE XVI—REDUCING REGULATORY BURDENS
Sec. 1601. Modification of timing of plan valuations.
Sec. 1602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 1603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 1604. Employees of tax-exempt entities.
Sec. 1605. Clarification of treatment of employer-provided retirement advice.
Sec. 1606. Reporting simplification.
Sec. 1607. Improvement of employee plans compliance resolution system.
Sec. 1608. Repeal of the multiple use test.
Sec. 1609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 1610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 1611. Notice and consent period regarding distributions.
TITLE XVII—PLAN AMENDMENTS
Sec. 1701. Provisions relating to plan amendments.

DIVISION A—DEBT RELIEF

SEC. 100. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that saves social security and medicare, the social security and medicare surpluses should be used to reduce the debt held by the public;

(4) until Congress and the President agree on significant tax reductions, amounts dedicated for that purpose shall be used to reduce the debt held by the public;

(5) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(6) it is fiscally responsible and in the long-term national economic interest to use a portion of the nonsocial security and nonmedicare surpluses to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this division to—

(1) reduce the debt held by the public by $240,000,000,000 in fiscal year 2001 with the goal of eliminating this debt by 2012;

(2) decrease the statutory limit on the public debt; and

(3) ensure that the social security and hospital insurance trust funds shall not be used for other purposes.

TITLE I—DEBT REDUCTION LOCK-BOX

SEC. 101. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 3114. Public debt reduction payment account

''(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

''(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

''(c) There is hereby appropriated into the account on October 1, 2000, or the date of enactment of this section, whichever is later, out of any money in the Treasury not otherwise appropriated, $42,000,000,000 for the fiscal year ending September 30, 2001. The funds appropriated to this account shall remain available until expended.

''(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

''(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

''(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

''(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

''3114. Public debt reduction payment account.''.

SEC. 102. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting ''minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)'' after ''$5,950,000,000,000''.

SEC. 103. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 104. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and

Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

SEC. 105. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2002, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2002, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

TITLE II—SOCIAL SECURITY AND MEDICARE LOCK-BOX

SEC. 201. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 201 of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res. 290, 106th Congress) is amended as follows:

(1) In the section heading, by inserting "**AND MEDICARE**" before "**SURPLUSES**".

(2) By striking subsection (c) and inserting the following new subsection:

"(c) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(2) SUBSEQUENT LEGISLATION.—(A) Except as provided by subparagraph (B), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(i) the enactment of that bill or resolution as reported;

"(ii) the adoption and enactment of that amendment; or

"(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the on-budget surplus for any fiscal year to be less than the projected surplus of the Federal Hospital Insurance Trust Fund (as assumed in the most recently agreed to concurrent resolution on the budget) for that fiscal year or increase the amount by which the on-budget surplus for any fiscal year would be less than such trust fund surplus for that fiscal year.

"(B) Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation.".

(3) By redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and inserting after subsection (d) the following new subsections:

"(e) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—The concurrent resolution on the budget for each fiscal year shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years of the surplus or deficit in the Federal Hospital Insurance Trust Fund.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'medicare reform legislation' means a bill or a joint resolution to save Medicare that includes a provision stating the following: 'For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes medicare reform legislation.'.

"(2) The term 'social security reform legislation' means a bill or a joint resolution to save social security that includes a provision stating the following: 'For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes social security reform legislation.'.".

(4) In the first sentence of subsection (h) (as redesignated), by striking "(1)".

(5) At the end, by adding the following new subsection:

"(i) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.".

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—(1) If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include proposed legislative language for social security reform legislation or medicare reform legislation.

(2) Paragraph (1) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 201(g) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress).

(c) CONFORMING AMENDMENT.—The item relating to section 201 in the table of contents set forth in section 1(b) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress) is amended to read as follows:

"Sec. 201. Protection of social security and medicare surpluses.".

SEC. 202. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

DIVISION B—RETIREMENT SECURITY

TITLE XI—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 1100. REFERENCES.

Except as otherwise expressly provided, whenever in this division 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. 1101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2001	$3,000
2002	$4,000
2003 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2001 or 2002 shall be $5,000.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking ''in excess of $2,000 on behalf of any individual'' and inserting ''on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)''.

(2) Section 408(b)(2)(B) is amended by striking ''$2,000'' and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(3) Section 408(b) is amended by striking ''$2,000'' in the matter following paragraph (4) and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(4) Section 408(j) is amended by striking ''$2,000''.

(5) Section 408(p)(8) is amended by striking ''$2,000'' and inserting ''the dollar amount in effect under section 219(b)(1)(A)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE XII—EXPANDING COVERAGE

SEC. 1201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking ''$90,000'' and inserting ''$160,000''.

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking ''$90,000'' each place it appears in the headings and the text and inserting ''$160,000''.

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking ''the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' '' and inserting ''one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000' ''.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 62''.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 65''.

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking ''$90,000'' in paragraph (1)(A) and inserting ''$160,000''; and

(B) in paragraph (3)(A)—

(i) by striking ''$90,000'' in the heading and inserting ''$160,000''; and

(ii) by striking ''October 1, 1986'' and inserting ''July 1, 2000''.

(5) CONFORMING AMENDMENT.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking ''$30,000'' and inserting ''$40,000''.

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking ''$30,000'' in paragraph (1)(C) and inserting ''$40,000''; and

(B) in paragraph (3)(D)—

(i) by striking ''$30,000'' in the heading and inserting ''$40,000''; and

(ii) by striking ''October 1, 1993'' and inserting ''July 1, 2000''.

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking ''$150,000'' each place it appears and inserting ''$200,000''.

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking ''October 1, 1993'' and inserting ''July 1, 2000''; and

(B) by striking ''$10,000'' both places it appears and inserting ''$5,000''.

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

''(1) IN GENERAL.—

''(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

''(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

''For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.''.

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

''(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking ''402(g)(8)(A)(iii)'' and inserting ''402(g)(7)(A)(iii)''.

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking ''(other than paragraph (4) thereof)''.

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking ''$7,500'' each place it appears and inserting ''the applicable dollar amount''; and

(B) in subsection (b)(3)(A) by striking ''$15,000'' and inserting ''twice the dollar amount in effect under subsection (b)(2)(A)''.

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

''(15) APPLICABLE DOLLAR AMOUNT.—

''(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

''For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

''(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.''.

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking ''$6,000'' and inserting ''the applicable dollar amount''.

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

''(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

''For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

''(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.''.

(3) CONFORMING AMENDMENTS.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking ''$6,000'' and inserting ''the amount in effect under section 408(p)(2)(A)(ii)''.

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

''(4) ROUNDING.—

''(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

''(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans made after December 31, 2000.

SEC. 1203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking ''or any of the 4 preceding plan years'' in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

''(i) an officer of the employer having an annual compensation greater than $150,000,'';

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking ''and subparagraph (A)(ii)''.

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: ''Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.''.

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

''(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

''(A) IN GENERAL.—For purposes of determining—

''(i) the present value of the cumulative accrued benefit for any employee, or

''(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

''(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.''.

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking ''LAST 5 YEARS'' in the heading and inserting ''LAST YEAR BEFORE DETERMINATION DATE''; and

(B) by striking ''5-year period'' and inserting ''1-year period''.

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

''(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

''(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

''(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).''.

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking ''clause (ii)'' in clause (i) and inserting ''clause (ii) or (iii)''; and

(B) by adding at the end the following:

''(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.''.

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

''(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

''(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 1205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 1201, is amended to read as follows:

''(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 1206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the fifth plan year the pension benefit plan is in existence; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term ''pension benefit plan'' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term ''eligible employer'' has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 1207. DEDUCTION LIMITS.

(a) IN GENERAL.—

(1) STOCK BONUS AND PROFIT SHARING TRUSTS.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking ''15 percent'' and inserting ''20 percent''.

(2) COMPENSATION.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

''(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(2) Subparagraph (C) of section 404(h)(1) is amended by striking ''15 percent'' each place it appears and inserting ''20 percent''.

(3) Clause (i) of section 4972(c)(6)(B) is amended by striking ''(within the meaning of section 404(a))'' and inserting ''(within the meaning of section 404(a) and as adjusted under section 404(a)(12))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

''SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

''(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

''(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

''(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

''(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

''(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

''(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

''(B) maintains separate recordkeeping with respect to each account.

''(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

''(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

''(A) is excludable from gross income of an employee without regard to this section, and

''(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

''(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

''(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

''(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

''(3) ROLLOVER CONTRIBUTIONS.—

''(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

''(i) another designated plus account of the individual from whose account the payment or distribution was made, or

''(ii) a Roth IRA of such individual.

''(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

''(d) DISTRIBUTION RULES.—For purposes of this title—

''(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

''(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

''(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

''(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

''(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND EARNINGS.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

''(3) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

''(e) OTHER DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

''(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

''(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).''.

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: ''The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.''; and

(2) by inserting ''(or would be included but for the last sentence thereof)'' after ''paragraph (1)'' in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

''If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.''.

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting '', including the amount of designated plus contributions (as defined in section 402A)'' before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: ''Such term includes a rollover contribution described in section 402A(c)(3)(A).''.

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

''Sec. 402A. Optional treatment of elective deferrals as plus contributions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE XIII—ENHANCING FAIRNESS FOR WOMEN

SEC. 1301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

''(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

''(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

''(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

''(A) $5,000, or

''(B) the excess (if any) of—

''(i) the participant's compensation for the year, over

''(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

''(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

''(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

''(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

''(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

''(A) who has attained the age of 50 before the close of the plan year, and

''(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

''(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

''(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

''(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

''(iv) an arrangement meeting the requirements of section 408 (k) or (p).

''(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

''(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

''(D) COST-OF-LIVING ADJUSTMENT.—For years beginning after December 31, 2005, the Secretary shall adjust annually the $5,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 1302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking ''25 percent'' and inserting ''100 percent''.

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking ''the exclusion allowance for such taxable year'' in paragraph (1) and inserting ''the applicable limit under section 415'';

(B) by striking paragraph (2); and

(C) by inserting ''or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated'' before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking ''section 403(b)(2)(D)(iii))'' and inserting ''section 403(b)(2)(D)(iii), as in effect before the enactment of the Debt Relief and Retirement Security Reconciliation Act)''.

(B) Section 404(a)(10)(B) is amended by striking '', the exclusion allowance under section 403(b)(2),''.

(C) Section 415(a)(2) is amended by striking '', and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)''.

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

''(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).''.

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

''(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

''(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

''(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).''.

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 211) is amended by inserting before the period at the end the following: ''(as in effect before the enactment of the Debt Relief and Retirement Security Reconciliation Act)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking ''33⅓ percent'' and inserting ''100 percent''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 1303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking ''A plan'' and inserting ''Except as provided in paragraph (12), a plan''; and

(2) by adding at the end the following:

''(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

''(A) by substituting '3 years' for '5 years' in subparagraph (A), and

''(B) by substituting the following table for the table contained in subparagraph (B):

''Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2001; or

(B) January 1, 2005.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 1304. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986; and

(B) modify such regulations to—

(i) reflect current life expectancy; and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) FRESH START.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) EFFECTIVE DATE FOR REGULATIONS.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking ''FOR OTHER CASES'' in the heading; and

(ii) by striking ''the distribution of the employee's interest has begun in accordance

with subparagraph (A)(ii)'' and inserting ''his entire interest has been distributed to him''.

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking ''clause (ii)'' and inserting ''clause (i)''.

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking ''clause (iii)(I)'' and inserting ''clause (ii)(I)'';

(ii) by striking ''clause (iii)(III)'' in subclause (I) and inserting ''clause (ii)(III)'';

(iii) by striking ''the date on which the employee would have attained age 70½,'' in subclause (I) and inserting ''April 1 of the calendar year following the calendar year in which the spouse attains 70½,''; and

(iv) by striking ''the distributions to such spouse begin,'' in subclause (II) and inserting ''his entire interest has been distributed to him,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking ''50 percent'' and inserting ''10 percent''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 1305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting ''or an eligible deferred compensation plan (within the meaning of section 457(b))'' after ''subsection (e))''; and

(2) in the heading, by striking ''GOVERNMENTAL AND CHURCH PLANS'' and inserting ''CERTAIN OTHER PLANS''.

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking ''and section 409(d)'' and inserting ''section 409(d), and section 457(d)''.

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

''(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 1306. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) EFFECTIVE DATE.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

TITLE XIV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 1401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

''(16) ROLLOVER AMOUNTS.—

''(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

''(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

''(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

''(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

''(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

''(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).''.

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting ''(other than rollover amounts)'' after ''taxable year''.

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by inserting after subparagraph (B) the following:

''(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.''.

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

''(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or''.

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

''(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).''.

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by adding at the end the following:

''(iv) section 457(b).''.

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by inserting after clause (iv) the following new clause:

''(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).''.

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

''(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.''.

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

''(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).''.

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking ''such distribution'' and all that follows and inserting ''such distribution to an eligible retirement plan described in section 402(c)(8)(B), and''.

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by inserting after clause (v) the following new clause:

''(vi) an annuity contract described in section 403(b).''.

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.''.

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking ''; except that'' and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(2) Section 219(d)(2) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(3) Section 401(a)(31)(B) is amended by striking ''and 403(a)(4)'' and inserting '', 403(a)(4), 403(b)(8), and 457(e)(16)''.

(4) Subparagraph (A) of section 402(f)(2) is amended by striking ''or paragraph (4) of section 403(a)'' and inserting '', paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)''.

(5) Paragraph (1) of section 402(f) is amended by striking ''from an eligible retirement plan''.

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking ''another eligible retirement plan'' and inserting ''an eligible retirement plan''.

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

''(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.''.

(8) Section 408(a)(1) is amended by striking ''or 403(b)(8),'' and inserting ''403(b)(8), or 457(e)(16)''.

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking ''and 408(d)(3)'' and inserting ''403(b)(8), 408(d)(3), and 457(e)(16)''.

(10) Section 415(c)(2) is amended by striking ''and 408(d)(3)'' and inserting ''408(d)(3), and 457(e)(16)''.

(11) Section 4973(b)(1)(A) is amended by striking ''or 408(d)(3)'' and inserting ''408(d)(3), or 457(e)(16)''.

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 1402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding ''or'' at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

''(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking ''section 408(d)(3)(A)(iii)'' and inserting ''section 408(d)(3)(A)(ii)''.

(2) Clause (i) of section 408(d)(3)(D) is amended by striking ''(i), (ii), or (iii)'' and inserting ''(i) or (ii)''.

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

''(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.''.

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 1403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: ''The preceding sentence shall not apply to such distribution to the extent—

''(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

''(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).''.

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: ''The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

''(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

''(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).''.

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

''(H) APPLICATION OF SECTION 72.—

''(i) IN GENERAL.—If—

''(I) a distribution is made from an individual retirement plan, and

''(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

''(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

''(I) section 72 shall be applied separately to such distribution,

''(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

''(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2000.

SEC. 1404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

''(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

''(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.''.

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 1403, is amended by adding after subparagraph (H) the following new subparagraph:

''(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) IN GENERAL.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

''(D) PLAN TRANSFERS.—

''(i) IN GENERAL.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

''(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

''(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

''(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

''(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election,

''(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

''(VI) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

''(ii) EXCEPTION.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

''(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

''(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

''(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) IN GENERAL.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: ''The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.''.

(2) SECRETARY DIRECTED.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 1406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking ''separation from service'' and inserting ''severance from employment''.

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

''(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).''.

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking ''An event'' in clause (i) and inserting ''A termination''; and

(II) by striking ''the event'' in clause (i) and inserting ''the termination'';

(ii) by striking subparagraph (C); and

(iii) by striking ''OR DISPOSITION OF ASSETS OR SUBSIDIARY'' in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking ''separates from service'' and inserting ''has a severance from employment''.

(B) The heading for paragraph (11) of section 403(b) is amended by striking ''SEPARATION FROM SERVICE'' and inserting ''SEVERANCE FROM EMPLOYMENT''.

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking ''is separated from service'' and inserting ''has a severance from employment''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

''(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

''(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

''(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.''.

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

''(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

''(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

''(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 1408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

''(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).''.

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking ''such amount'' and inserting ''the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 1409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

''(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).''.

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

''(a) YEAR OF INCLUSION IN GROSS INCOME.—

''(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

''(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

''(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

''(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

''(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—''.

(B) Section 457(d) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

TITLE XV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

SEC. 1501. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) IN GENERAL.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking ''the applicable percentage'' in subparagraph (A)(i)(I) and inserting ''in the case of plan years beginning before January 1, 2004, the applicable percentage''; and

(2) by amending subparagraph (F) to read as follows:

''(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

''In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

''(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

''(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

''(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

''(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

''(iv) PLANS ESTABLISHED AND MAINTAIN BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.''.

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

''(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

''(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

''(B) the sum of—

''(i) the amount of contributions described in section 401(m)(4)(A), plus

''(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

''(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 1504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) IN GENERAL.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

''SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

''(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

''(2) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

''(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

''(1) In the case of a plan other than a multiemployer plan, the employer.

''(2) In the case of a multiemployer plan, the plan.

''(e) NOTICE REQUIREMENTS FOR PLANS SIGNIFICANTLY REDUCING BENEFIT ACCRUALS.—

''(1) IN GENERAL.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

''(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

''(3) TIMING OF NOTICE.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

''(4) DESIGNEES.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(5) NOTICE BEFORE ADOPTION OF AMENDMENT.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

''(f) APPLICABLE INDIVIDUAL; APPLICABLE PENSION PLAN.—For purposes of this section—

''(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means, with respect to any plan amendment—

''(A) any participant in the plan, and

''(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

''(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(A) any defined benefit plan, or

''(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

''Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL RULE.—The period for providing any notice required by the amendments made by this section shall not end before the

date which is 3 months after the date of the enactment of this Act.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of ''wear away'' provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 1505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

''(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.''.

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

''(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsections (b)(1)(A) and (c).''.

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking ''The Secretary'' and inserting ''Except as provided in subsection (f)(3), the Secretary''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1506. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

''(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

''(2) FAILURE TO MEET REQUIREMENTS.—

''(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

''(B) CROSS REFERENCE.—

''For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

''(3) NONALLOCATION YEAR.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

''(i) such plan holds employer securities consisting of stock in an S corporation, and

''(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

''(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

''(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

''(II) paragraph (4) thereof shall not apply.

''(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

''(4) DISQUALIFIED PERSON.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified person' means any person if—

''(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

''(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

''(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

''(C) DEEMED-OWNED SHARES.—

''(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

''(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

''(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

''(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

''(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

''(i) the spouse of the individual,

''(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

''(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

''(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

''(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

''(A) the treatment of any person as a disqualified person, or

''(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

''(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

''(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

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

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting '', section 409(p),'' after ''409(n)''.

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

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

(B) by striking all that follows paragraph (2) and inserting the following:

''(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

''(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.''.

(2) LIABILITY.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

''(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

''(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

''(A) the employer sponsoring such plan, or

''(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

''(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.''.

(3) DEFINITIONS.—Section 4979A(e) (relating to definitions) is amended to read as follows:

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

''(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

''(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

''(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

''(C) SPECIAL RULE DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

''(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

''(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

''(ii) the date on which the Secretary is notified of such allocation or ownership.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

TITLE XVI—REDUCING REGULATORY BURDENS

SEC. 1601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c)(9) (relating to annual valuation) is amended to read as follows:

''(9) ANNUAL VALUATION.—

''(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

''(B) VALUATION DATE.—

''(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

''(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

''(I) an election is in effect under this clause with respect to the plan, and

''(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

''(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

''(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 1602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking ''or'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) is, at the election of such participants or their beneficiaries—

''(I) payable as provided in clause (i) or (ii), or

''(II) paid to the plan and reinvested in qualifying employer securities, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 1603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 1604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 1605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking ''or'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', or'', and by adding at the end the following new paragraph:

''(7) qualified retirement planning services.''.

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

''(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

''(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term ''one-participant retirement plan'' means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall

have the respective meanings given such terms by such section.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on January 1, 2001.

SEC. 1607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 1608. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

''(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 1609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

''(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

''(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

''(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

''(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.''.

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 1610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking ''section 414(d))'' and all that follows and inserting ''section 414(d)).''.

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking ''maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: ''GOVERNMENTAL PLANS''.

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: ''EXCEPTION FOR GOVERNMENTAL PLANS''.

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting ''GOVERNMENTAL PLANS.—'' after ''(G)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 1611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) IN GENERAL.—Subparagraph (A) of section 417(a)(6) is amended by striking ''90-day'' and inserting ''180-day''.

(2) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute ''180 days'' for ''90 days'' each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 2000.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

TITLE XVII—PLAN AMENDMENTS

SEC. 1701. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting ''2005'' for ''2003''.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Mr. Speaker, is it within the rules of this House under the suspension of the rules that we can bring legislation before us that has already passed the House of Representatives?

We have two bills that have already passed the House and now they are

coming back. Is it within the rules of the House that we can repass same bills, the same form without any changes?

The SPEAKER pro tempore. Under suspension of the rules, there is no prohibition against that.

Mr. RANGEL. No prohibition?

The SPEAKER pro tempore. Under the rules of the House, there is no prohibition.

Mr. RANGEL. Okay, Mr. Speaker, I withdraw my parliamentary inquiry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. 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. 5203.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Speaker, I think perhaps my statement might very well clarify things for my friend, the gentleman from New York (Mr. RANGEL). One may ask why we are bringing up and voting on a bill that includes the legislation which so overwhelmingly passed this House yesterday under suspension of the rules by a vote of 381 to 3, along with the popular pension reform legislation which earlier passed by a vote of 401 to 25 and had at least 181 cosponsors including 81 House Democrats.

At a time when Washington reporters like to talk about partisan maneuvering at the end of a season to get Members out of town and back home to their districts, I would like to point out how hard the sponsors of this bill are working, including the Democrats and Republicans alike, the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. PORTMAN), the gentleman from California (Mr. HERGER), and the gentleman from Kentucky (Mr. FLETCHER), we are working towards bipartisan solutions to important issues on which we agree.

We are delivering this to the American people in these closing days of this session of this Congress, but the reason we are taking a series of votes on the same or similar legislation is it that we need to be sure that some form of these important solutions get passed by the other Chamber and get signed into law by the President.

Mr. Speaker, I know that a lot of negotiations are going on along Pennsylvania Avenue on a variety of issues, but we are producing results on these items that are most important to the people, the people that I represent in the State of Florida; protecting Social Security and Medicare, protecting and enhancing their retirement security, and protecting our hard-earned money from wasteful Washington spenders.

Make no mistake, over the last 6 years, the Republicans have done most of the heavy lifting in cutting wasteful Washington spending and bringing the budget into balance. Now, that there is a surplus, Republicans have begun the process of responsibly paying down the national debt, while protecting Social Security and Medicare and keeping our economy strong so that future generations of Americans inherit a Nation that is free of debt with a healthy thriving economy.

In accomplishing this major feat, which less than a decade ago, seemed impossible, Republicans have adhered to some basic principles which continue to guide us as we prepare to address the challenges ahead of us, and that is saving Social Security and Medicare for future generations.

These are our basic principles, one, payroll taxes belong to the people who pay into the system, not to the government. Two, the best way to keep Washington from spending more is to take surplus cash off the table and store it in a lockbox that can only be used for Social Security, Medicare or debt reduction. Three, long-term overpayments by taxpayers should be given back to taxpayers in the form of tax relief not co-opted by those in Washington who want to spend more.

So it is logical that as we try to keep our economy strong and keep hard-earned dollars in the hands of the wage earners of this country, we focus on pension reform and other components of this goal. Increasing the savings stimulates the economic growth, reducing the government's take on a person's savings and earnings encourages people to save, leaving them more of their savings to keep them through their retirement years.

□ 1415

It is no wonder why both these bills are so popular. The question is, why are we having trouble getting similar legislation moved through the other Chamber and on to the President's desk? These are the specific reasons we are bringing up this bill today.

First, we want to try again to break the logjam in the other body on moving forward with the Social Security and Medicare lockbox. Republicans have been pushing for this legislation since early last year but have been stonewalled by the minority. Everyone from the President to the Vice President says they want this but the minority in the other body continues to block its consideration.

We hope that they are not part of some larger political game; that they will finally agree to the lockbox and get this bill signed into law.

Second, Republicans want to set aside $42 billion of the FY 2001 surplus right now for debt relief so that those funds cannot be spent on more government programs. We should not use the surplus to make government bigger; we should use it to make the national debt smaller.

We would invite the President and our colleagues in the other body to join us in this historic effort to use 90 percent of the surplus for debt relief.

Here is what our lockbox does, and, again, it is identical to the legislation that we have previously passed: one, it sets aside $240 billion for debt reduction for FY 2001 alone. That is 90 percent of the entire surplus in FY 2001 dedicated to paying down the publicly held debt and putting us on to the path of eliminating the debt by the year 2012 or perhaps even sooner. It sets aside 100 percent of the Social Security surplus to pay down the debt until we pass legislation that actually saves Social Security. That is $165 billion of debt reduction in fiscal year 2001 and $2.4 trillion over the next 10 years; $2.4 trillion.

It sets aside 100 percent of the Medicare surplus to pay down the debt until we pass legislation that saves Medicare. That is another $32 billion of debt reduction in fiscal year 2001, and another $360 billion over the next 10 years. It sets aside an additional $42 billion of the non-Social Security and non-Medicare surplus for debt reduction. An additional $42 billion of the on-budget surplus would be set aside for debt reduction in a special account in Treasury.

The bill is good for millions of Americans, especially working women who have no pension or have inadequate pension coverage today. As we will hear from other speakers today describe in even more detail, we raise the limit of IRAs from $2,000 to $5,000. As we all know, the IRAs are one of the most popular and successful programs ever conceived. As inflation has caught up with the value of the original amount people can set aside, that is $1,500 in 1974 raised to $2,000 in 1981, it makes sense to allow people to do more to save for retirement.

Our bill similarly updates 401(k) amounts and improves portability so one can take their retirement nest egg with them when they move from job to job, which is even a greater incentive for younger Americans to start planning for their future earlier.

Only half of all private sector workers have any kind of pension and only 20 percent of small business offer retirement plans. So the ability to design an individual program and carry their savings with them is as important as our effort to protect pension plans from the burdens of overtaxation. But do not forget, every single individual in this country stands to benefit from this bill because we will be protecting future generations from debt. We will

be making retirement savings grow for workers of all ages, and we will be helping keep hard-earned dollars in the hands of taxpayers rather than sending them to Washington.

When given the choice to put dollars in the hands of Washington or keeping them in the pockets of people living in Florida, I would choose to trust my constituents any day.

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

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

Mr. Speaker, my friend, the gentleman from Florida (Mr. SHAW), and he is my friend, has spent a lot of time talking about the merits of these two bills that are before the House on the suspension calendar. Throughout his support, he mentions Republicans a half a dozen times, which I can understand, it is that time of the year and he needs all the help he can get. My problem is, he would have us to believe that these two bills that passed this House overwhelmingly in a bipartisan way is just not enough to move his Republican leaders on the other side of this building. And so if this is so, then we will be using the suspension calendar for everything that we do not like the progress of a piece of legislation to move Republicans that are not in this Chamber, which I think is an abuse of the privilege of the suspension calendar. But that is a political matter.

What I am concerned about, as a member of the Committee on Ways and Means, is that there is a lot of talk about this new bill, H.R. 5203, being the same as the House-passed bill, H.R. 5173. Since the new bill is still warm in my hand as it comes off the press, and we saw it at noontime, there may be a similarity in substance; but there is a heck of a lot of difference in terms of language. There are changes in this bill that may be technical, but there are 135 lines of the new bill that is shorter than what we had in the old bill.

Now, I know that some Republican expert decided which was good and which was bad, and the gentleman has a lot of time left, and I know he will explain why we do have at least in terms of numbers and pages a different bill. But another thing bothers me and that is if we do have a very important piece of legislation and they both concern the Committee on Ways and Means, and we did have an amendment to the bill when it was in the House that would allow lower-income people to have incentives for savings, why would not this bill, if it had to be revisited, why would it bypass the Committee on Ways and Means? Why would we have something that we have not even had our staffs to read, since it has just been out a couple of hours? Why do we have this urgency to get this thing done with such speed, in view of the fact that our committee has no work before it?

We do not get a chance to have a motion to recommit on the suspension calendar. We do not have a chance to see whether we can improve this bill. It is not the identical bill that we passed here before. The staff knows that. I am just saying that when one takes popular ideas and believe that each time they find us supporting something they can call it bipartisan, that it has to keep on getting passed, it is not right.

Democrats have worked with my colleagues on the other side of the aisle on the legislation, and we still think that it can be improved; but since they have given up on tax cuts and have moved swiftly to budget gimmicks, I thought we had really done all that we could the last time this thing came up, where we are now doing by legislation what President Clinton has been doing by making certain the Federal debt is being paid down.

I do not know how far we have to go with this type of procedures on the floor. Democratic support was gotten before. Democratic support has to be gotten now. Since the parliamentarians indicated that this can be brought up as often as the other side wants on the suspension calendar, maybe we will have other bills that we have joined together in passing. I might suggest, though, being in the minority, one of the ways that action might be gotten from the other body is for Republicans here to talk to Republicans there.

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

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

Mr. Speaker, I would like to say to my friend, the gentleman from New York (Mr. RANGEL), he has known me long enough to know that I am a man of my word; and I can assure him that these bills are exactly what the gentleman has already supported in the committee and that he has already supported on the floor.

I think the gentleman knows that when we get into the closing days, perhaps he knows better than I do, the negotiations that are going on. Two bills as important as these bills are, to merge them together, gives us just another option in which to get these matters before the Senate, to the conference, and to the President's desk for signature.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), the author of the pension portion of this bill.

Mr. PORTMAN. Mr. Speaker, I thank the chairman, the gentleman from Florida (Mr. SHAW), very much for yielding me this time; and I thank him for bringing this bill, H.R. 5203, to the floor today.

It is the Debt Relief and Retirement Security Reconciliation Act of 2000, and it is designed to give reconciliation protection to legislation we have already passed for the purpose of negotiating with the Senate to move this process forward and to get these bills enacted this year.

The first is the debt lockbox legislation that puts 90 percent of this year's budget surplus projected for 2001 into debt relief, and then second of course is the bipartisan retirement security legislation that we have passed in this House by a vote of 401 to 25, which expands and strengthens IRAs, 401(k)s and other pensions.

I would like to focus, if I could, this afternoon on the retirement security package that is before us. This is bipartisan legislation that my friend and colleague, the gentleman from Maryland (Mr. CARDIN), and I have worked on over the last 3 years. It is very important. It is very important we get it enacted and do so this year. We need to do all we can because there is a real retirement security crunch out there. Seventy million Americans, about half the workforce, do not have any kind of a pension at all today, not even a 401(k), nothing. The problem is even worse among small businesses. We are told that less than 20 percent of small businesses, Mr. Speaker, that is with businesses of 25 or fewer employees, offer any kind of pension coverage today.

Now, this is at a time when private savings in this country is dangerously low. In fact, last month we are told that our savings rate in this country was actually negative. This, of course, hurts our economy. It presents a real danger to our economy moving forward, but it also hurts people; it hurts individuals. Experts tell us that older baby-boomers, for instance, have put only 40 percent aside of what they will need for a financially secure retirement. So it is time to take action, and it is time to do it now.

Part of the problem we have had over the years is right here in Congress. Over the last 20 years, Congress has made pensions less generous by lowering the contribution of benefit levels, believe it or not, and while making pension benefits lower they have also made pensions more costly to offer by increasing the number of rules and regulations on employers.

Let me say what kind of impact that has had. Let me give a specific example. From 1982 to 1994, the limits on defined benefit plans were repeatedly reduced by Congress and new restrictions were added, primarily for the purpose of generating Federal revenue, by the way. This was not a policy decision that had to do with pensions. It had to do with at that time addressing the deficit. As these cutback from 1982 to 1994 took effect, the number of traditional defined benefit plans insured by PBGC dropped from 114,000 plans in 1987 to 45,000 plans in 1997. These are the facts. They speak for themselves.

During the past 2 decades, overall pension coverage has remained stagnant, even when the defined contribution side is included. Obviously, it is past time for Congress to reverse these trends, and the bill before us today does just that. It is a comprehensive approach. It has been developed over the last 3 years with careful consultation with small businesses, labor organizations like the building trades department of the AFL–CIO. It has also been worked on by pension law experts in the private sector, academia and the administration. Most importantly, we have looked to and taken the advice of workers themselves, folks who are in pension plans, to see how they could be improved. They have been fully vetted. About 200 Members of this House, almost equally divided between Republicans and Democrats, have cosponsored the bill and more than 85 outside groups have endorsed it. The approach is fiscally responsible, and it is very straightforward.

It falls in basically three categories. First, we allow all workers to set aside more money for their retirement. That means setting aside more money in a 401(k)-type plan, in a union, multiemployer-type plan, a defined benefit plan and all other pensions. It also means setting more money aside in an IRA. In most cases, very importantly, all we are doing is trying to restore those limits to where they were before the Congress reduced them.

For example, moving the IRA contribution levels from $2,000 to $5,000 is about where it would have been had it been indexed to inflation in the 1970s. We also allow special catch-up contributions that help workers over 50 set aside even more for retirement.

These accelerated contributions will allow older workers—especially women returning to the workforce—the opportunity to build up a retirement nest egg more quickly—at a time in their lives when their earnings are relatively high and when they most need to save for retirement.

Second, we're modernizing pension laws to adapt to what we've learned about the realities of an increasingly mobile workforce. So, we make defined contributions plans portable so workers can roll-over their retirement nest egg between various types of qualified plans—including 401(k), 403(b) and 457 plans. And, we require employers to allow workers to become vested in their pension plans more quickly—in 3 years rather than the current-law 5.

Finally, we listened to those in the trenches, and we responded to the surveys that clearly demonstrate that we must reduce the complexities and red tape in current law if we are going to expand pension opportunities for those who work for small businesses. That's why we make it easier for employers—particularly small businesses—to establish and maintain pension plans by reducing costs and liabilities—including modernizing outdated laws and streamlining complex rules. Yet, we keep in place the important protections that ensure families fairness in our pension system.

Despite the overwhelming and broad-based support for this legislation, there are some in the Administration who call this package a "tax cut for the rich." That's wrong. Why should they tell working Americans—who are struggling to save for retirement—that the $2,000 limit on IRA contributions established in 1981 makes sense today? Why should they tell working Americans that they can save less in a 401(k) plan than they could in the 1980s?

Remember who benefits here—77 percent of American workers currently participating in a pension plan make less than $50,000 per year. By expanding retirement savings options, we'll be helping those workers who need the most help in saving for retirement.

I urge my colleagues to join us today in sending a strong bipartisan message to the Senate—and to the White House—that we are committed to helping all Americans have more peace of mind—and more financial security—in their retirement years. Let's pass this package again.

□ 1430

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means and a member of the Committee on the Budget.

Mr. MCDERMOTT. Mr. Speaker, coming over here today, having been over here yesterday when half of this bill passed the last time, I could not help thinking of what, I think it was Groucho Marx said, that if you are going to go into politics, the first thing you have to learn to do is to act sincere. Because if we are going to come out here with this kind of legislation, we really have to work pretty hard to keep a straight face.

Yesterday we passed the bill on this lockbox on debt repayment, which is a totally useless piece of legislation. It is not necessary; the debt is being paid down without any such process now. But it was a pretty good press release yesterday. So they thought, well, let us do it again tomorrow. Since we are not doing anything worthwhile anyway, we might as well have something to put into our press release machine to fire out at the newspapers all over the country, and that is a good one, and oh, yeah, there is that pension thing, we can pass that too. Why do we not staple those bills together, because it will be different. They cannot say we are bringing out the same bill as we brought out yesterday; we are bringing out the same bill yesterday, plus the same bill from July 19.

Now, you say, why do we pick July 19? Well, we think about it and we say to ourselves, they must be bringing out the July 19 bill because they did it in the middle of the summer and people have forgotten about it, and today we are 49 days from election and we have to be sure and remind the people of the good legislation we passed that the majority in the other body killed, so we do not get blamed for it.

Mr. Speaker, the real irony of this thing is we have the majority party in the House who cannot seem to get the majority party in the other body to pay attention to them. We fire this nonsense over there and they put it in a desk drawer and it never sees the light of day again. This is an intraparty fight inside the majority party. That is why we will probably be out here tomorrow with the debt reduction bill and, let us see, we could marry it up to the estate tax removal. That would be a good one to put out here. Then, on Thursday we can bring out the debt reduction bill and the marriage tax penalty bill. Now, let me think. I will sit down over here and come up with the list for next week. Because we have not passed the appropriation acts, we have not had any conference committees on the budget, so we have to come out here and do these little shows.

Now, I think the American people are smarter than some people in this place give them credit for. They will see this; they are not going to forget that yesterday they read about the debt reduction bill and they are going to think they got the same paper 2 days in a row. Right there on the front pages, Republicans plan to spend 90 percent of the money in the surplus on paying down the debt. They cannot do it, because they already passed enough tax breaks to use up 22 percent; they cannot use 90 percent and 22 percent. If we add 90 and 22, that makes 112 percent of the surplus.

Now, I am not quite sure who teaches math over in the other caucus, but they need a new calculator, because it does not work. But, with a very straight face and acting very sincere, people stand down here and tell us that we can do it. I suppose if one believes that, one could believe in buying the Brooklyn Bridge or a whole lot of other things.

The only things we have passed here in the last few days has been naming new bridges and new courthouses and new highways and this kind of stuff, part of which is legislative nonsense, and the other part is a decent bill. But the people are not going to be fooled by this press release.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to remind the gentleman from Washington that in the other body, it is the other party that has been filibustering the lockbox legislation. Perhaps this will break something loose over there. It is very good bipartisan legislation in this body, but in the other body it has not worked that way.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the author of the lockbox legislation.

Mr. HERGER. Mr. Speaker, I rise in strong support of this measure. This bill increases IRA contribution limits

from $2,000 to $5,000, making it easier for Americans to save. This measure also includes two provisions I introduced, the Social Security lockbox, which passed the House last year by a 416-to-12 vote, and the Medicare lockbox, which I introduced in March and passed the House this June by a 420-to-2 vote.

Mr. Speaker, for the first time, these lockboxes will protect 100 percent of trust fund surpluses from spending on other unrelated government programs. Ending the raid on the Social Security and Medicare trust funds is the right thing to do. This legislation also creates another lockbox in which $42 billion additional surplus dollars will be held only for debt reduction. All in all, this legislation will use 90 percent, or $240 billion to pay down public debt this year alone. Never in the history of our Nation has a Congress paid down this much public debt in a single year.

Today, we made debt reduction the priority, not the afterthought. This bill is the epitome of sound fiscal policy. For individual Americans, we increase opportunities to save; for the government's part, we protect the Social Security and Medicare trust funds for the first time from raids and still pay down $240 billion in public debt. This bill is a win-win for fiscal responsibility, a win-win for our children, a win-win for our seniors, and a win-win for the best interests of the United States. I urge my colleagues to vote for this measure.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, this session is descending into utter confusion, and if it is confusing here, we can imagine what the public thinks.

The Republican majority here in the House has moved from pillar to post. First a $900 billion tax cut, much of it for the very wealthy, eating up a good portion of the nonSocial Security surplus. Well, that did not fly, so now we have a proposal, 90 percent of the surplus for debt retirement. So we go from $900 billion in an unworkable tax proposal to 90 percent of that surplus, that would have been used up in large measure by the tax bill, now for debt retirement.

Well, to add to the confusion, we now have this bill tied into another bill, and what could be the reason for it? The gentleman from Ohio talked about how it was necessary for budget reconciliation, he used those terms. Let me just read a statement on this point that we have worked on with the staff and I would like to have someone refute it if it is wrong.

The debt reduction lockbox provisions in H.R. 5203 are in no way, shape or form a reconciliation bill in the Senate. The Senate had no budget reconciliation instructions for debt reduction. Among other things, the debt reduction provisions violate the Byrd Rule in the Senate and section 306 of the Budget Act which protects the jurisdiction of the budget committees. As such, a motion to proceed to consideration of such a bill under budget reconciliation rules could be filibustered in the Senate. What the House is doing is converting the House-passed pension IRA bill into a nonreconciliation bill for the Senate. So this bill is not only confusing, it is counterproductive.

Well, what is the second reason given for combining these bills? It is said it is to get the attention of the Senate. How about e-mail or the telephone, or just walk across the rotunda and sit down with the majority leader in the Senate and we will be glad to join with the White House, and let us get busy and do some work and pass some legislation.

What we are doing here is treading water while the session is sinking. It just does not make any sense, as the gentleman from New York (Mr. RANGEL) said. We Democrats are ready to work. We are ready to move on. We are ready to pass legislation and not to add to an already confusing situation.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is not confusing. The Republicans are committed to empowering American families by returning power, money and choices to the people. We do not believe that the Federal budget surplus belongs to the government. It is the people's money, and it should be returned. They earned it.

This is our constant and unchanging goal. That is why we proposed a firm commitment that applies at least 90 percent of next year's Federal budget surplus to paying off our debts. It turns out that a commitment to paying off the debt is a popular position. Last night, we forged a common sense coalition for debt relief. We drew support from both sides of the aisle. We believe that the surplus must be returned to the American people, if not through tax relief, then through debt reduction.

Today, we take another important step. Members have another opportunity to send a very clear message to the White House. The American people demand greater fiscal discipline from their government. An unrestrained wave of new Washington spending is not an acceptable use for their surplus. Our latest initiative addresses this theme of fiscal discipline by both expanding retirement security and paying off the debt. We can again urge the President to join with us, but our expectations are pretty low.

The President has already repeatedly blocked the bipartisan effort to return the surplus to the American people. Just last week he said, whether we can do debt reduction this year or not depends upon what the various spending commitments are. Less than 24 hours ago, this House voted overwhelmingly in favor of our debt reduction plan. Now every Member, Republican and Democrat, who voted for that initiative should support this common sense measure.

Mr. President, we have room for you in our common sense coalition to refund the surplus, but you must first abandon any scheme to spend the surplus on more Washington programs. If you can commit to using at least 90 percent of next year's surplus to debt relief and only debt relief, we would like to have you with us.

Mr. Speaker, members should support this bill. It will return power to the American people and strengthen our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

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

The majority whip has now confused me. I understood from the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, that we were relegislating this old legislation to send a message to the Republican leaders on the other side. However, now the majority whip wants to send a message to the President of the United States. This is really getting confusing. I mean have we given up all methods of communication completely? I know it is bad, but we do not have to legislate to talk to President Clinton. We can do these things directly. We can sit down today or tomorrow and work out how we can get some legislation passed and signed into law instead of getting out these press releases.

The next speaker on this side is the coauthor of this bipartisan piece of legislation that overwhelmingly passed the House, and he worked closely with the gentleman from Ohio (Mr. PORTMAN). I do not know how many times we are going to drag out the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) here to show that some people do talk with each other on the House side, but I hope my Republican colleagues keep doing it until they get it right, because some of us have to get out of here and get back home.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. RANGEL) for yielding me this time. Let me assure our colleagues that there is strong bipartisan support for the provisions that are contained in this bill that is before us.

□ 1445

Many of us, including this Member, is confused on the process. I listened also

to the distinguished majority whip explain what this bill is intended to do, and I do not believe that is included in the legislation before us. So I am confused on the process that we are using, but I hope it is an effort that will allow us to enact some very important legislation.

I listened to the explanation on the lockbox, and I must tell my colleagues that I am confused on the explanation on the lockbox. As I understand, it is a 1-year bill. And we are going to be judged by our actions on the appropriation bills and on the tax bills, not on the lockbox. Let us be clear about that.

I hope at the end of the day that we can say as Democrats and Republicans that we have put as our first priority retiring our debt, which is exactly what the President of the United States has asked us to do, to make the top priority the reduction of our debt with the surplus funds.

Let me speak for a moment, if I might, about the pension legislation. The gentleman from New York (Mr. RANGEL) is correct, this bill has been worked very carefully on a bipartisan basis. I thank my colleague, the gentleman from Ohio (Mr. PORTMAN), for his leadership on this. Democrats and Republicans joined together in crafting this bill and in passing this bill by 401 votes. I would hope that by bringing it up again today it is a message that we intend to send to the President of the United States a bill that deals with pensions and is not loaded up with other issues that would make it impossible for us to get it enacted this year.

As the gentleman from Ohio (Mr. PORTMAN) has pointed out, it is important legislation because it is very comprehensive legislation that will not only increase the limits but will help employers provide employer-sponsored pension plans for their employees, which help lower-wage workers because the employer puts the money on the table, making it easier for low-wage workers to put money away for their own retirement.

We deal with portability and the realization that the current workforce holds people that will work for more than one employer in their work life, so they need to be able to combine their funds. We remove a lot of the obstacles that make it difficult for employers to sponsor pension plans. We make it easier for individuals to put more money away for themselves to address the critical need in this Nation to increase the savings rates.

So I hope at the end of the day that we will be able to come together with a bill that is enacted and sent to the President. And if we can keep it to the pension issues alone, if we do not get confused with some of the other politics around here, I think we can achieve that.

But I would urge my friends on the other side of the aisle to work with us on the process issues. It is somewhat confusing to us to wake up in the morning only to find legislation that we thought already was completed in this body has once again been brought up for initial action rather than being sent to the President for signature.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, encouraging savings and investment and not leaving our kids and our grandkids with a huge mortgage is a reasonable combination in this piece of legislation.

On September 13, the President said, in regard to paying down the debt, and I quote from the New York Times, ''Whether we can do it this year or not depends upon what the various spending commitments are.'' He may have very well said, ''I have other plans for this money.''

Today, this House makes spending commitments under this bill. We are committed to paying down the debt. Maybe we could do more. I would have liked to have done more. But the problem is that we have to make a commitment to do it, otherwise the propensity to spend by the President and by this Congress is too great.

Let us pass this legislation to help assure we don't simply increase spending. The President sent us the Democrat budget proposal last spring that increased spending $100 billion more than could be paid for with projected revenues. That meant that without increased taxes and increased revenues, it would have used the Social Security and the Medicaid trust fund surpluses.

Let us pass this bill and move ahead. Let us make sure saving and investment is easier for the American people and we do not leave our kids with a bigger mortgage.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, this is important legislation that we are voting on today. I strongly support setting aside 90 percent of the projected budget surplus to pay down the national debt. Of course, our goal is not only to build on the $360 billion in debt retirement we have already accomplished in the last 3 years, but to pay off the national debt by the year 2010.

I also want to stand in strong support of this legislation which locks away 100 percent of the Social Security Trust Fund for Social Security and locks away 100 percent of the Medicare Trust Fund for Medicare. That is an important commitment not only for today's seniors but for future generations.

My colleagues, I also stand in strong support of this legislation which makes it easier for America's workers and small businesses to set aside money for their own retirement. Efforts to expand what Americans can contribute to their IRAs and 401(k)s can make a big difference to many millions of working Americans.

I also want to note that this legislation includes two very important provisions: Catch-up provisions that allow individuals to make additional contributions to 401(k)s or IRAs if they are over 50. That helps working moms. And the repeal of 415 limits, which helps 10 million working Americans in the building trades.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

As we close the debate on this issue, quite a number of the majority Members are concerned about the President of the United States getting involved in spending programs. I would just want the RECORD to be clear that the President will not be involved with any spending programs that are not supported by the majority Members in this House and the majority of the Members on the other side.

So if my colleagues do not want to support any of these programs, then get together with the appropriation committees to see what we are going to do, but let us not use the legislative process to send messages to the other side or send messages to the President.

Now, this is a good piece of legislation, but some of us, even though we supported the commitment to the reduction of the national debt, thought that we should have included the President's retirement plan that gave incentives for low-income workers to save. And the last time this bill was on the floor, Members had a chance to participate because it was not on the suspension calendar. The gentleman from Massachusetts (Mr. NEAL) had an amendment that would have improved upon this bill and got over 200 votes, as I recall. Many of the Members who worked on this piece of legislation that once again is before us wish that this could have been a part of the package so that all of us, in a unanimous way, could say that it helps all of the workers in different income categories.

So even though I will not be supporting this in its present form, since we do not have a chance to amend it or to work with the motion to recommit, I do want to congratulate the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for showing that in this House we can work together in a bipartisan way.

The SPEAKER pro tempore (Mr. SCARBOROUGH). The time of the gentleman from New York (Mr. RANGEL) has expired. The gentleman from Florida (Mr. SHAW) has 1½ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding me

this time. It is a busy time of the year, but this past Sunday I was able to spend some time with a new grandson, born July 22. His name is Joshua.

And that is really what this is about up here. Joshua does not understand partisan politics. He does not understand a lot of the games that may go on here. He certainly does not understand why the minority on the other side is blocking some legislation that would give him a bright future and pay down the publicly held debt instead of handing him a mortgage of $20,000. It would allow him, as he is growing up, to save more, or his parents to save more to be able to afford a home in the future. And he certainly does not understand the attitude of some people that believe it is the government's money instead of the people's money.

But one day he will appreciate what we are doing here today, because this is really about Joshua and who Joshua represents: All the children across this Nation. The future. And not only the debt that they have that we have given them, or has been given to them due to 40 years of minority rule when the debt was increased, but also the opportunity to save and to be all that he can be.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Because of what we do here today, if it does pass the other body and the President's desk, little Joshua will owe $240 billion less than he does today on the national debt.

Mr. NEAL of Massachusetts. Mr. Speaker, this is an interesting bill. It seems to combine an unnecessary bill on debt relief that passed the House yesterday by a vote of 381–3, with a faulty bill on retirement policy that passed the House on July 19 by a vote of 401–25. It is my understanding that our side of the aisle learned about the contents of the bill about 11:00 this morning, so there may be changes that we have not discovered yet.

Since revenue that is not spent goes to deficit reduction automatically, a statement that 90 percent of the surplus should go to deficit reduction next year hardly seems momentous. However, it does no great harm either, so I intend to vote for passage of this bill to indicate my strong support for deficit reduction. In addition, I am pleased that Members on the other side of the aisle have adopted the Democratic position as articulated all year, and have finally made deficit reduction a priority.

On the retirement bill, let me just say that I continue to believe that H.R. 1102 is flawed and is in need of many improvements. I agree with Jane Bryant Quinn when she wrote in the Business Section of the Washington Post this past weekend that this and other bills are "for the upper-middle, investor class. There should be a companion tax incentive bill that helps the workers, too."

Just such a companion bill, I believe, was offered by myself on July 19, but that amendment failed by a vote of 200–216, with all Republicans present and voting opposed, and all Democrats but three present and voting in support. This amendment established a refundable tax credit for contributions to pension plans by low and moderate income workers, and tax credits to small businesses to establish and contribute to pension plans. While not perfect, it at least made an attempt to deal with the problem of access to retirement income for those who can not save due to their low income, or can not save as much as they should. But the House, as I indicated, adopted the narrow approach.

Mr. Speaker, in conclusion, I intend to vote for deficit reduction, and to continue my effort to enact a comprehensive retirement bill that helps all Americans save for retirement, not just the "upper-middle, investor class."

Mr. GUTKNECHT. Mr. Speaker, today the House is taking up a bill which would ensure that 90 percent of next year's budget surplus goes to paying down debt. With this bill, over $600 billion of publicly held debt would be paid down by the end of next year. It would be entirely eliminated by 2013. This means lower interest rates on credit cards and home mortgages for millions of Americans. I can't think of a better gift for our children.

Unfortunately, this debt reduction measure has been attached to H.R. 1102, the Retirement Security Act. In my district, constituents have voiced concern over certain pension provisions included in this bill. Some recent pension conversions have been a grave injustice to American workers, especially mid-career and older employees who have planned for retirement based on the benefits built into their original pension plans. While H.R. 1102 provides some much-needed disclosure requirements, we need to be tougher on those companies who have taken advantage of pension conversions to fatten their bottom lines. I will continue to fight for those tougher provisions.

When H.R. 1102 was being considered, I fought to ensure that all vested employees have the choice to remain in their current defined benefit plans. I brought an amendment to the Rules Committee which would have done just that. Unfortunately, I wasn't allowed to bring it to the House floor for consideration. In the end, I cast a protest vote against H.R. 1102 because it lacked this important provision.

Today, there is no opportunity to amend this bill. I wish that these pension reform provisions had not been attached to debt relief, but it has. The importance of this bill in locking in debt reduction and increasing the ability of Americans to save for their own retirement will carry the day for most Members of this House. I will support this bill because it is critical that we offer our children a debt-free future.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 5203.

The question was taken.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 15-minute vote on H.R. 5203 and it will be followed by a 5-minute vote on H.R. 3986.

The vote was taken by electronic device, and there were—yeas 401, nays 20, not voting 13, as follows:

[Roll No. 479]

YEAS—401

Abercrombie
Ackerman
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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
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-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
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
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore

Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
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
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
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
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Clay
Conyers
Davis (IL)
Filner
Frank (MA)
Jackson (IL)
Kennedy
LaFalce
Lee
Matsui
McDermott
Mollohan
Nadler
Olver
Payne
Rangel
Roybal-Allard
Sabo
Sanders
Stark

NOT VOTING—13

Campbell
Dooley
Franks (NJ)
Johnson (CT)
Klink
Lazio
McCollum
McIntosh
McNulty
Nethercutt
Vento
Watkins
Wise

□ 1517

Messrs. JACKSON of Illinois, FILNER, and NADLER changed their vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 479 I was inadvertently detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SCARBOROUGH). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3986, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3986, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 14, as follows:

[Roll No. 480]

YEAS—218

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
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
Wolf
Young (AK)
Young (FL)

NAYS—201

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gekas
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Buyer
Campbell
Dooley
Franks (NJ)
Houghton
Klink
Lazio
McCollum
McIntosh
McNulty
Nethercutt
Vento
Wise

□ 1526

Mr. UDALL of New Mexico changed his vote from ''yea'' to ''nay.''

Mr. INSLEE changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GAO PERSONNEL FLEXIBILITY ACT OF 2000

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4642) to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4642

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

SECTION 1. VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, paragraph (2) of section 8336(d) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

''(2)(A) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in subparagraph (D);

''(B) is serving under an appointment that is not time limited;

''(C) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

''(D) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

''(i) realigning the General Accounting Office's workforce in order to meet budgetary constraints or mission needs;

''(ii) correcting skill imbalances; or

''(iii) reducing high-grade, managerial, or supervisory positions;''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, subparagraph (B) of section 8414(b)(1) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

''(B)(i) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in clause (iv);

''(ii) is serving under an appointment that is not time limited;

''(iii) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

''(iv) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

''(I) realigning the General Accounting Office's workforce in order to meet budgetary constraints or mission needs;

''(II) correcting skill imbalances; or

''(III) reducing high-grade, managerial, or supervisory positions;''.

(c) NUMERICAL LIMITATION.—Not to exceed 10 percent of the General Accounting Office's workforce (as of the start of a fiscal year) shall be permitted to take voluntary early retirement in such fiscal year pursuant to this section.

(d) REGULATIONS.—The Comptroller General shall prescribe any regulations necessary to carry out this section, including regulations under which an early retirement offer may be made to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

SEC. 2. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, the authority to provide voluntary separation incentive payments shall be available to the Comptroller General with respect to employees of the General Accounting Office.

(b) TERMS AND CONDITIONS.—The authority to provide voluntary separation incentive payments under this section shall be available in accordance with the provisions of subsections (a)(2)–(e) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104–208 (5 U.S.C. 5597 note), except that—

(1) subsection (a)(2)(D) of such section shall be disregarded;

(2) subsection (a)(2)(G) of such section shall be applied by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office;

(3) subsection (b)(1) of such section shall be applied by substituting ''Committee on Government Reform'' for ''Committee on Government Reform and Oversight'';

(4)(A) subsection (b)(2)(A) of such section shall be applied by substituting ''eliminated (if any)'' for ''eliminated'';

(B) subsection (b)(2)(C) of such section shall be applied by substituting ''such positions or functions as are to be eliminated and such employees as are to be separated'' for ''the eliminated positions and functions''; and

(C) the agency strategic plan referred to in subsection (b) of such section shall, in addition to the information described in paragraph (2) thereof, contain the following: the steps to be taken to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions;

(5) subsection (c)(1) of such section shall be applied by substituting ''to the extent necessary (A) to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, (B) to correct skill imbalances, or (C) to reduce high-grade, managerial, or supervisory positions, in conformance with that agency's strategic plan (as referred to in subsection (b)).'' for the matter following ''only'';

(6) subsection (c)(2)(D) of such section shall be applied by substituting ''December 31, 2003, or the end of the 3-month period beginning on the date on which such payment is offered to such employee, whichever is earlier'' for ''December 31, 1997''; and

(7) instead of the amount described in paragraph (1) of subsection (d) of such section, the amount required under such paragraph shall be determined in accordance with subsection (c)(1) of this section.

(c) ADDITIONAL CONTRIBUTION TO RETIREMENT FUND.—

(1) DETERMINATION OF AMOUNT REQUIRED.—The amount required under this paragraph shall be the amount determined under subparagraph (A) or (B), whichever is greater, for the fiscal year involved.

(A) FIRST METHOD.—The amount required under this subparagraph shall be determined as follows:

(i) First, determine the sum of the following:

(I) The amount equal to 19 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8336(d) of title 5, United States Code.

(II) The amount equal to 58 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8336 of such title 5 (not including any employee covered by subclause (I)).

(ii) Second, reduce the sum of the amounts determined under clause (i) by the sum of the following (but not below zero):

(I) The amount equal to 419 percent of the final basic pay of each employee described in paragraph (2), who is covered by subchapter III of chapter 83 of title 5, United States Code, and who resigns.

(II) The amount equal to 17 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8414(b) of such title 5.

(III) The amount equal to 8 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8412 of such title 5.

(IV) The amount equal to 211 percent of the final basic pay of each employee described in paragraph (2), who is covered by chapter 84 of such title 5, and who resigns.

(B) SECOND METHOD.—The amount required under this subparagraph shall be equal to 45 percent of the final basic pay of each employee described in paragraph (2).

(2) COMPUTATIONS TO BE BASED ON SEPARATIONS OCCURRING IN THE FISCAL YEAR INVOLVED.—The employees described in this paragraph are those employees who receive a voluntary separation incentive payment under this section based on their separating from service during the fiscal year involved.

(3) REGULATIONS.—

(A) IN GENERAL.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including provisions under which any additional contribution determined under this subsection shall, at the election of the General Accounting Office, be payable either in a lump sum or through installment payments made over a period of not to exceed 3 years.

(B) INTEREST.—The regulations shall include provisions under which, if the installment method is chosen, interest shall be

payable at the same rate as provided for under section 8348(f) of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—As used in this subsection, the term ''resign'' shall not be considered to include early retirement or a separation giving rise to an immediate annuity.

(d) DEFINITIONS.—

(1) FINAL BASIC PAY.—As used in this section, the term ''final basic pay'' has the same meaning as under section 663(d)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104–208 (5 U.S.C. 5597 note).

(2) EMPLOYEE.—As used in this section and, for purposes of this section, the provisions of law cited in subsection (b), the term ''employee'' shall be considered to refer to an officer or employee of the General Accounting Office.

(e) NUMERICAL LIMITATION.—Not to exceed 5 percent of the General Accounting Office's workforce (as of the start of a fiscal year) shall be permitted to receive a voluntary separation incentive payment under this section based on their separating from service in such fiscal year.

(f) REGULATIONS.—The Comptroller General shall prescribe any regulations necessary to carry out this section, excluding subsection (c). Such regulations shall include provisions under which a voluntary separation incentive payment may be offered to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

SEC. 3. REDUCTIONS IN FORCE.

(a) MODIFIED PROCEDURES.—

(1) IN GENERAL.—Subsection (h) of section 732 of title 31, United States Code, is amended to read as follows:

''(h)(1)(A) Notwithstanding any other provision of law, the Comptroller General shall prescribe regulations, consistent with regulations issued by the Office of Personnel Management under authority of section 3502(a) of title 5 for the separation of employees of the General Accounting Office during a reduction in force or other adjustment in force.

''(B) The regulations must give effect to the following factors in descending order of priority—

''(i) tenure of employment;

''(ii) military preference subject to section 3501(a)(3) of title 5;

''(iii) veterans' preference under sections 3502(b) and 3502(c) of title 5;

''(iv) performance ratings;

''(v) length of service computed in accordance with the second sentence of section 3502(a) of title 5; and

''(vi) other objective factors such as skills and knowledge that the Comptroller General considers necessary and appropriate to realign the agency's workforce in order to meet current and future mission needs, to correct skill imbalances, or to reduce high-grade, managerial, or supervisory positions.

''(C) Notwithstanding subparagraph (B), the regulations relating to removal from the General Accounting Office Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

''(2)(A) The regulations shall provide a right of appeal to the General Accounting Office Personnel Appeals Board regarding a personnel action under the regulations, consistent with section 753 of this title.

''(B) The regulations shall provide that final decision by the General Accounting Office Personnel Appeals Board may be reviewed by the United States Court of Appeals for the Federal Circuit consistent with section 755 of this title.

''(3)(A) Except as provided in subparagraph (B), an employee may not be released, due to a reduction force, unless such employee is given written notice at least 60 days before such employee is so released. Such notice shall include—

''(i) the personnel action to be taken with respect to the employee involved;

''(ii) the effective date of the action;

''(iii) a description of the procedures applicable in identifying employees for release;

''(iv) the employee's ranking relative to other competing employees, and how that ranking was determined; and

''(v) a description of any appeal or other rights which may be available.

''(B) The Comptroller General may, in writing, shorten the period of advance notice required under subparagraph (A) with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable, except that such period may not be less than 30 days.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall apply with respect to all reduction-in-force actions taking effect on or after—

(A) the 180th day following the date of enactment of this Act; or

(B) if earlier, the date the Comptroller General issues the regulations required under such amendment.

(3) SAVINGS PROVISIONS.—If, before the effective date determined under paragraph (2), specific notice of a reduction-in-force action is given to an individual in accordance with section 1 of chapter 5 of GAO Order 2351.1 (dated February 28, 1996), then, for purposes of determining such individual's rights in connection with such action, the amendment made by paragraph (1) shall be treated as if it had never been enacted.

(b) AUTHORITY TO PERMIT VOLUNTARY SEPARATIONS TO AVOID REDUCTIONS IN FORCE.—

(1) IN GENERAL.—Section 732 of title 31, United States Code (as amended by subsection (a)), is amended by adding at the end the following:

''(i) The regulations under subsection (h) shall include provisions under which, at the discretion of the Comptroller General, the opportunity to separate voluntarily (in order to permit the retention of an individual occupying a similar position) shall, with respect to the General Accounting Office, be available to the same extent and in the same manner as described in subsection (f)(1)-(4) of section 3502 of title 5 (with respect to the Department of Defense or a military department).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

SEC. 4. SENIOR-LEVEL POSITIONS.

(a) CRITICAL POSITIONS.—

(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 732 the following:

''§ 732a. Critical positions

''(a) The Comptroller General may establish senior-level positions to meet critical scientific, technical or professional needs of the General Accounting Office. An individual serving in such a position shall—

''(1) be subject to the laws and regulations applicable to the General Accounting Office Senior Executive Service under section 733 of this title, with respect to rates of basic pay, performance awards, ranks, carry over of annual leave, benefits, performance appraisals, removal or suspension, and reductions in force;

''(2) have the same rights of appeal to the General Accounting Office Personnel Appeals Board as are provided to the Office Senior Executive Service;

''(3) be exempt from the same provisions of law as are made inapplicable to the Office Senior Executive Service under section 733(d) of this title, except for section 732(e) of this title;

''(4) be entitled to discontinued service retirement under chapter 83 or 84 of title 5 as if a member of the Office Senior Executive Service; and

''(5) be subject to reassignment by the Comptroller General to any position in the Office Senior Executive Service under section 733 of this title, as the Comptroller General determines necessary and appropriate.

''(b) Senior-level positions under this section may include positions referred to in section 731(d), (e)(1), or (e)(2) of this title.''.

(2) NUMERICAL LIMITATION APPLIES.—Section 732(c)(4) of title 31, United States Code, is amended—

(A) by inserting ''(including senior-level positions under section 732a of this title)'' after ''129 positions''; and

(B) by striking ''title);'' and inserting ''title and senior-level positions described in section 732a(b) of this title);''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 732 the following:

''732a. Critical positions.''.

(b) REASSIGNMENT TO SENIOR-LEVEL POSITIONS.—Section 733(a) of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) allowing the Comptroller General to reassign an officer or employee in the Office Senior Executive Service to any senior-level position established under section 732a of this title, as the Comptroller General determines necessary and appropriate; and''.

SEC. 5. EXPERTS AND CONSULTANTS.

Section 731(e) of title 31, United States Code, is amended—

(1) in paragraph (1) by striking ''not more than 3 years'' and inserting ''terms of not more than 3 years, but which shall be renewable''; and

(2) in paragraph (2) by striking ''level V'' and inserting ''level IV''.

SEC. 6. REPORTING REQUIREMENTS.

(a) ANNUAL REPORTS.—The Comptroller General shall include in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of enactment of this Act—

(1) a review of all actions taken pursuant to sections 1 through 3 of this Act during the period covered by the report, including—

(A) the number of officers or employees who separated from service pursuant to section 1 or 2, or who were released pursuant to a reduction in force conducted under the amendment made by section 3, during such period;

(B) an assessment of the effectiveness and usefulness of those sections in contributing to the agency's ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(C) with respect to the amendment made by section 3, an assessment of the impact such amendment has had with respect to preference eligibles, including—

(i) whether a disproportionate number or percentage of preference eligibles were included among those who became subject to reduction-in-force actions as a result of such amendment;

(ii) whether a disproportionate number or percentage of preference eligibles were in fact released pursuant to reductions in force under such amendment; and

(iii) to the extent that either of the foregoing is answered in the affirmative, the reasons for the disproportionate impact involved (particularly, whether such amendment caused or contributed to the disproportionate impact involved); and

(2) recommendations for any legislation which the Comptroller General considers appropriate with respect to any of those sections.

(b) THREE-YEAR ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report concerning the implementation and effectiveness of this Act. Such report shall include—

(1) a summary of the portions of the annual reports required under subsection (a);

(2) recommendations for continuation of section 1 or 2 or any legislative changes to section 1 or 2 or the amendment made by section 3; and

(3) any assessment or recommendations of the General Accounting Office Personnel Appeals Board or of any interested groups or associations representing officers or employees of the General Accounting Office.

(c) PREFERENCE ELIGIBLE DEFINED.—For purposes of this section, the term ''preference eligible'' has the meaning given such term under section 2108(3) of title 5, United States Code.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

□ 1530

GENERAL LEAVE

Mr. BURTON of Indiana. 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. 4642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H.R. 4642, a bill to improve the effectiveness of the General Accounting Office through improvement to its personnel system. I would like to thank my colleague, the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service for his work and efforts on this legislation.

The General Accounting Office sometimes referred to as the ''watchdog'' of Congress or the ''investigative arm'' of Congress today faces many of the same personnel problems confronting other Federal agencies. As my colleagues know, the Federal Government is nearing a crisis in its ability to recruit, retain and reward a skilled, trained, and knowledgeable workforce for the 21st century.

Mr. Speaker, like the rest of the government, GAO is fundamentally constrained by personnel issues in its ability to meet future obligations to Congress and the country. It is to ensure that GAO can successfully confront these personnel problems and secure its future that I rise in support of this very important legislation.

Mr. Speaker, I think that I can safely speak for all Members on both sides of the aisle in saying that GAO makes many contributions to helping us improve the economy, effectiveness and efficiency of government and in pointing out waste and abuse in government programs. Not a week goes by without a major GAO report about some important aspect of government operations.

From my own perspective and experience, I know that the Committee on Government Reform has a unique relationship with GAO, not only does the committee authorize GAO, but under House rules, it also officially receives every GAO record that is sent to Congress. The Committee on Government Reform also receives more GAO testimony than any other committee in Congress.

The agency is invaluable to the entire congressional community. All Members of Congress, including myself, rely upon GAO for briefings, testimony, oversight, information and review of executive operations.

Mr. Speaker, I urge my colleagues to support this legislation for GAO to ensure that our watchdog can continue to effectively do its job for Congress in the future.

As my colleagues know, we have a new Comptroller General at GAO, David M. Walker, who was confirmed about 19 months ago. Mr. Walker is committed to making sure that the agency can successfully meet its mission. Mr. Walker has developed a new strategic plan to keep aligned with our needs on the Hill. He has embarked on a reorganization designed to streamline operations and remove redundancies and he has determined to meet personnel crises head on.

As Mr. Walker seeks to make constructive changes, continue improvements in GAO, he faces a personnel quandary that has been many years in the making, a series of budget cuts in the last decade forced GAO to undergo a severe downsizing and a hiring freeze which resulted in a 39 percent staff reduction and significant imbalances among the staff remaining.

The impact of these cuts and freezes continues to hamper the agency. GAO also faces one of the government's most significant problems of the next few years. The anticipated retirement of many mid-level and senior-level employees who have been with the government for decades and who represent the greatest source of knowledge and experience in the Federal sector.

For example, nearly 55 percent of GAO's senior executive service are eligible to retire in the next 4 years and 34 percent of the agency's total workforce will be eligible to leave government.

This potential mass exodus has the ability to undermine GAO's effectiveness to an unprecedented loss of institutional memory that could directly impact its products and services to Congress. These executives and personnel have provided such long service to the government and have a storehouse of knowledge and experience that cannot be duplicated or easily replaced.

In the case of GAO, because of the wide variety of issues they handle, this is a loss of expertise across many, many areas of government. The expected loss of so many seasoned executives and supervisors, combined with the massive downsizing experienced during the past decades, when taken together, is at the core of GAO's current and future personnel problems.

Indeed, it is this one-two punch of recent and expected personnel departures that Mr. Walker and the GAO are now trying to confront, in part through the legislation now before us.

In his efforts to more effectively focus GAO on the needs of Congress in the 21st century, the Comptroller General has also recognized that the skills GAO employees have today may not always be suited for the agency's needs in the future. GAO has undertaken a number of initiatives from the new strategic plan to a skills and knowledge database of its employees.

These efforts will help the agency to ascertain both the current skill set and future skills gap of its work force. The legislation will also help to remedy this problem by providing flexibility in filling the gaps.

Mr. Speaker, as I think my comments have proved, GAO urgently needs this important legislation to help it face the future and by doing so help us here in the Congress. This bill will allow GAO to overcome its pressing personnel problems by providing the Comptroller General with the ability to correct workforce skill imbalances to successfully handle current and future issues, and to help achieve a more balanced, productive and focused workforce.

H.R. 4642 provides the agency with a set of tools so that it can better fulfill

its mission to support Congress. The bill will help GAO build a workforce for the future to implement its strategic plan and be positioned to serve the varied important needs of the Congress.

The bill has three main provisions, which I will address very briefly. First, the legislation will allow the Comptroller General to hire scientific and technical experts who will have the same pay and benefits as the SES and reclassify senior executives without loss of pay. This creates a new career path for selected technical positions and helps to redress the loss of institutional memory so critical to the agency's work.

Second, the Comptroller General will be able to offer voluntary early retirement and cash buyouts to employees in jobs deemed surplus. This tool which the Comptroller General would use judiciously can help to realign the agency in ways to improve its focus in critical areas.

The final provision addresses the Comptroller General's ability to run a reduction in force or a RIF. The Comptroller General already has the authority to conduct a RIF; but under existing rules, a RIF would be based largely on a person's length of service but also would rely upon tenure and military preference.

Under this legislation, a RIF would be based on a person's skills, performance, and knowledge, as well as length of service and tenure, while retaining the statutory preference for military veterans, which I strongly support.

This is an important change because, absent this provision, efforts to reshape the agency to better serve Congress in the future could be hampered by continued loss of employees critical to implementing strategic plans, goals, and objectives.

This legislation gives GAO the flexibility it needs to maximize its performance and focus on the future. It helps rebalance the agency's personnel structure after years of budget and personnel cuts, and it continues efforts to sustain an environment in which performance in government matters.

I have been pleased to sponsor this legislation with my good friend, the gentleman from Florida (Chairman SCARBOROUGH) of the Subcommittee on Civil Service; and we have been supported by the gentleman from California (Mr. WAXMAN) in the legislation that has been discussed in several hearings in which the Comptroller General outlined the importance of the bill and the reasons why it was necessary to take this action.

Mr. Speaker, as a result of this bill's progress in Congress, there is considerable Member support and recognition of the need for this important legislation. The legislation is also supported by Mr. Walker's two predecessors in office, Comptrollers General, Elmer Staats and Charles Browser, who together represent 30 years of GAO leadership supported it.

I would further note that the administration does not oppose this bill as it only affects the agency of the legislative branch. It is important to highlight that the provisions of this bill will not have an impact on executive branch agencies or their employees.

I know that several of my colleagues initially objected to this bill because they believed it might have an impact on some of their constituents. Let me reiterate that this legislation will only affect the GAO and does not have any application to the executive branch of the Federal Government.

Furthermore, I hope that my colleagues recognize that the legislation before them now includes several changes from the original bill which are designed to ensure that the provisions, if they are implemented, are done so in an equitable and responsible manner.

This includes a requirement that GAO must issue regulations on RIF selection criteria after a public comment period. GAO must also report back to the Congress on how it implemented the law.

I believe these and other safeguards will help to satisfy any concerns of the local delegation.

In summary, Mr. Speaker, I urge my colleagues to support this bill so that GAO can achieve its goal of being a model Federal agency of sustaining a strong and effective workforce and of meeting its mission to Congress and to the American people.

Mr. Speaker, I include for the RECORD a legislative history of GAO's personnel legislation.

LEGISLATION AUTHORIZING GAO TO TAKE CERTAIN PERSONNEL ACTIONS

I. PURPOSE

The General Accounting Office (GAO) has requested these personnel authorities to enable the agency to effectively address human capital challenges in order to more effectively fulfill its mission. GAO explained that it recently completed a thorough evaluation of its workforce needs and resources and found that they do not match up. This arose in part because of the severe downsizing and hiring freezes from 1992–1997. Also, the kinds of skills, knowledge, and performance needed by GAO in its workforce are changing with the impact of information technology, globalization, and other trends in the broader society. Finally, these kinds of imbalances threaten to become worse, because the retirement of many employees possessing necessary expertise are or are close to being eligible for retirement.

GAO has said that it is doing what it can administratively to correct these imbalances, e.g., by enhanced entry-level recruitment, active management of promotion decisions, and compilation of an inventory of the agency's human capital needs and resources. The agency is also being restructured to have less hierarchy and fewer field offices. GAO explained, however, that its current law is designed for ''downsizing,'' not ''rightsizing,'' and prevents GAO from taking needed management steps.

GAO has thus explained why this new legislative authority is necessary to enable GAO to effectively address the agency's human capital requirements. This legislation is appropriate for GAO considering its role and responsibilities in the legislative branch and its unique relationship to the Congress, and also taking account of the specific, fact-based demonstration that GAO has made explaining why the requested authority is needed and appropriate.

II. SUMMARY OF PROVISIONS

The legislation provides narrowly tailored authority, preserving due process protections, in four specific areas: (1) to offer early retirement (early-outs) on a voluntary basis to a limited number of qualified employees in each fiscal year; (2) to offer separation pay (buyouts) on a voluntary basis to a limited number of qualified employees in each fiscal year for a five-year period after enactment of the legislation; (3) to release officers and employees in a reduction in force (RIF) or an adjustment in force carried out for downsizing, realigning, or correcting skill imbalances; and (4) to establish senior-level positions to meet critical scientific, technical or professional needs and to extend to those positions the rights and benefits of Senior Executive Service employees. Regulations governing the RIF provision must give effect to tenure, military preference, veterans preference, performance, length of service, and other factors such as skills and knowledge.

In addition, the legislation requires that the Comptroller General report annually to the Congress on the use and effectiveness of the legislation, and provide the Congress with a report in three years summarizing the use and effectiveness of the legislation and recommending whether it should be continued or changed.

III. EMPLOYEE RIGHTS AND PROTECTIONS UNDER THE NEW AUTHORITIES

First, as a general matter, it is essential that the Comptroller General consult with employees concerning plans for implementation of the legislation in advance of issuing proposed orders or regulations for comment. GAO has described the efforts taken by the Comptroller General to foster two-way communication between the Office of the Comptroller General and all agency officers and employees, including extensive discussions regarding the need for and development of this legislation. Broad consultation with officers and employees should be continued at each stage of the legislation's implementation. In addition, in developing implementing regulations, GAO is obligated under existing law to afford notice and opportunity for comment, and GAO has said it will follow the best practices of regulatory agencies in regards to summarizing and responding on the public record to significant comments received.

The legislation itself contains a number of provisions and preserves rights and protections under existing laws to assure that employees will not be subject to arbitrary and illegal action. Notably, this legislation in no way affects existing laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, and disability, that forbid prohibited personnel practices, or that require compliance with merit principles. GAO's implementation of the authorities granted by this legislation must continue to be in conformity with those existing laws.

This legislation requires that, to implement the provisions authorizing early retirement, separation pay, and reductions in

force, the agency must issue regulations that provide criteria for, in effect, two levels of decision-making: the decision to use the authorities and the decision regarding which officers or employees shall be subject to actions under the authorities.

GAO has stated that these regulations must set forth clearly defined criteria and require consistent and well documented application of those criteria. Any decisions based upon individual data, such as skills/knowledge and performance, will be based on identification and measurement systems. Ratings from the agency's performance appraisal systems will be the basis for measuring individual performance, and GAO has stated that an individual's ratings for three years will be used. Similarly, skills and knowledge must be ascertained in a well-documented skills inventory. GAO has explained that its staff will fill out such a skills inventory, subject to supervisory review, which will be used in conjunction with the agency's strategic plan to identify any ''gaps'' or ''overages'' in workforce skills and knowledge. If GAO finds it necessary to use the RIF authority before a skills inventory is completed, the agency would use existing organizational groups and units.

In giving effect to military preference, GAO must comply with the requirements of its own Personnel Act, section 732(b)(5) of title 31, which requires GAO to provide a preference to veterans in a way and to an extent consistent with the system in the executive branch. In the executive branch under section 3502(b) of title 5, a preference eligible with a compensable service connected disability of at least 30% and whose performance has not been rated unacceptable is retained in preference to other preference eligibles. Section 3502(c) of title 5 requires that all other preference eligibles whose performance has not been rated unacceptable be retained in preference to all other competing employees. Therefore, these provisions would bind GAO, and preference eligibles would be the last to be terminated in their applicable unit/job or skill group under a reduction in force.

The legislation allows the provisions authorizing early retirement, separation pay, and reductions in force to be exercised only for workforce realignment and other purposes as specified in the legislation. Addressing individual employee performance is not among these specified purposes, and it is only for the specified purposes that the Comptroller General may consider individual performance data among the criteria for offering early retirement or separation pay or for carrying out a reduction in force. For example, GAO may not use these authorities for the purpose of replacing lower-performing employees with higher-performing employees or to address problems in individual employees' performance. To address performance problems, GAO must continue to use its performance management system under existing law, which affords affected employees particular procedural and substantive rights. Under this legislation as under existing law, individuals are not subject to being ''targeted,'' i.e., reductions in force may not be carried out for the purpose of removing a particular individual or individuals.

The legislation requires that GAO regulations governing RIFs be consistent with Office of Personnel Management regulations. The use of the term ''consistent with'' recognizes that because of the form of GAO's personnel system, GAO's organizational structure, and the authorities granted under this and other legislation applicable to GAO, the implementing GAO regulations may vary from the approach taken by OPM. Nevertheless, the GAO regulations should follow the OPM approach where such considerations do not apply.

GAO's Personnel Appeals Board (PAB) will serve as an independent body to review and decide any cases arising out of a reduction in force where individuals feel they have not been treated in accordance with law or regulations. GAO has stated that this review authority of the PAB is established under existing statute and under provisions of GAO's existing regulations that GAO will retain. If an action under the RIF authority was unlawful, the individual employee shall be restored to the grade or rate of pay to which the employee is entitled, retroactively effective to the date of the improper action.

As to the senior level positions established under the legislation, employees appointed to those positions will generally enjoy the same rights and privileges as members of GAO's Senior Executive Service. Furthermore, except as otherwise specified in the legislation, the employees appointed to the new senior level positions will enjoy the rights and protections that apply generally to professional employees at GAO. Any employees transferred under this provision from GAO's SES to a non-executive senior level position will retain their current pay and will have an equivalent pay system to what they had in the SES.

The new early-out authority will be in addition to, and will not detract from, any rights to early retirement established under existing law.

Finally, the legislation requires GAO to report on the implementation of the new authorities both annually and in a 3-year assessment, and GAO has said that these reports will include information about any impact upon employee attitudes and opinions, as measured by employee feedback survey responses. The 3-year assessment will include not only recommendations of the Comptroller General for continuation or change of the authorities granted by this legislation, but also any assessments or recommendations of the GAO Personnel Appeals Board and of any interested GAO employee groups.

I encourage all Members to support this bill.

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

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

Mr. Speaker, Members of Congress are well acquainted with the General Accounting Office. It is Congress' and the Nation's primary watchdog agency responsible for providing credible, objective and nonpartisan reports and evaluations of the programs and management of the executive branch.

The GAO has for years provided Congress with invaluable assistance, now it is asking us for assistance by providing GAO with needed human capital authorities, and we should meet this request.

Mr. Speaker, from 1992 to 1997, GAO's budget was cut by one-third. In order to achieve these reductions, the GAO was forced to reduce its staff by almost 40 percent and close many field offices. Since then, it has had to impose hiring freezes, cut training and suspend incentive programs. During the same period, GAO has faced a problem common to much of the Federal Government, an aging workforce.

By the end of fiscal year 2004, over one-third of the GAO's employees would be eligible for retirement. As a result of these pressures, GAO's workforce is out of shape. There are too many senior- and middle-level employees and too few at the lower levels. These imbalances have been well documented in a human capital profile completed by the Comptroller General.

In addition, the types of skills, knowledge and performance needed by GAO have changed over time as the world has been radically altered by the information age technology. Major policy issues have also become increasingly complex, requiring greater technical skill and sophistication to support the needs of Congress.

Mr. Speaker, all of these trends have led to a human capital profile at the General Accounting Office which does not currently operate in the most efficient or effective manner. More seriously, it puts the GAO at risk of being unable to meet the demands and needs of the Congress in the future.

The legislation before us would provide GAO with authority to address these concerns. For example, the bill would authorize the Comptroller General to offer early retirement opportunities and separation pay to a limited number of qualified personnel each of the next 3 fiscal years.

Under the legislation, the Comptroller could also establish senior-level positions to meet critical scientific or technical needs. Finally, the bill requires the Comptroller to report annually to the Congress on the effect of this legislation and to submit a 3-year assessment of the implementation and effectiveness of this act.

These and other flexibilities in the bill will bring the GAO closer to the personnel policies of our legislative branch organizations such as the Committees of Congress and the Congressional Budget Office. However, this legislation should not be viewed as a precedent for changes in executive branch personnel policy.

Mr. Speaker, we have an outstanding Comptroller General in Mr. Walker. He is putting all of his efforts into making the GAO the kind of agency that we will all be proud of.

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This legislation before us today is a result of an enormous amount of effort that he has put into giving us recommendations to make GAO a better organization. I think that we ought to join together in a bipartisan move today in supporting this legislation and making sure that the GAO will be there to serve the needs of the Congress and the American people.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the bill, H.R. 4642, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

2002 WINTER OLYMPIC COMMEMORATIVE COIN ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3679) to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee, as amended.

The Clerk read as follows:

H.R. 3679

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 ''2002 Winter Olympic Commemorative Coin Act''.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 $5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year ''2002'', and inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. SELECTION OF DESIGN.

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts;

(B) the United States Olympic Committee; and

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereinafter in this Act referred to as ''Olympic Properties of the United States''); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3679, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

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

Mr. Speaker, it is particularly fitting that this legislation comes before the House at this time, for the Summer Olympic Games in Sydney have captured our attention. Those games began only 4 days ago and are in full swing as we speak.

In less than 18 months, in February of 2002, our attention will be focused on Salt Lake City, where the Winter Olympic Games will commence. Anyone who has watched the Olympic competition is thrilled with the tremendous athletic accomplishments of all the young people involved; not only our young people but those throughout the world.

Anyone who buys a silver $1 coin or a $5 gold coin authorized by the legislation under consideration will have the satisfaction of knowing that the surcharge they pay on this coin will go to support our American athletes as they train for the upcoming 2002 Winter Olympics.

The legislation under consideration is sponsored by the gentleman from Utah (Mr. COOK). The legislation has widespread support. It is cosponsored by 290 of his colleagues. A similar bill has been introduced in the Senate. It has the requisite 67 cosponsors and, in fact, has been marked up by the Senate Banking Committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. Cook), the sponsor of the legislation.

Mr. COOK. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding me this time.

Mr. Speaker, first of all, I would like to thank the gentleman from Alabama (Mr. BACHUS) for his efforts in bringing H.R. 3679, the 2002 Winter Olympic Commemorative Coin Act, to the floor today. A commemorative coin program has been a part of every U.S. Olympics Games since 1952.

In fact, the Olympic coin has become an important Olympic tradition in the United States and internationally as well. It is especially timely that this bill should come to the House floor now as the world watches the Summer Olympics in Sydney, Australia. I am sure many of us have been glued to the television watching our young swimmers, like Jenny Thompson, Megan Quann and Tom Dolan, break records and bring home the gold. As America and my home State of Utah look forward to hosting the Olympic Winter Games in 2002, passing this coin bill is a big step toward preparing for that monumental international event in our own country and preparing our athletes to compete.

Throughout the world, coin programs serve as national symbols of both morale and financial support for the

games. The surcharges generated by this coin program will provide an important source of revenue for the training and support of U.S. athletes, as well as for hosting the Olympic Games.

Some of my colleagues may remember some of the problems connected with the Atlanta Olympic Games coin program. I want to assure my colleagues that H.R. 3679 has been thoughtfully and carefully crafted to overcome and prevent those problems from occurring once again.

This coin program has been developed in conjunction with the U.S. Mint and the Citizens Commemorative Coin Advisory Committee, which represents the Nation's coin collectors, the main purchasers of commemorative coins. With only 400,000 $1 silver coins and 80,000 $5 gold coins authorized, the program is expected to sell out and raise over $4 million for our Olympic athletes at no cost to the taxpayers.

Finally, I would like to thank the 290 Members of this Congress who joined me in celebrating the Olympic spirit by cosponsoring H.R. 3679. Helping our Olympic athletes achieve their dreams is something I think we can all be proud to support.

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

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

Mr. Speaker, I rise in support of this bill. This bill provides for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee. As we witness the joy of watching the Summer Olympics in Sydney, and the pride that our American athletes bring to our country, I am pleased to support a commemorative coin for the Winter Games of 2002, which will be coming back to the United States.

An act of Congress to issue this coin is consistent with the long tradition of issuing commemorative coins for the important events that shape our Nation's history, as well as for our national heroes.

We have in the past issued commemorative coins for other Olympics games held in the U.S., as well as for other 1994 soccer world cups also held in 12 cities across the United States. As laid out in the legislation, the design of the commemorative coin shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. Each coin must have a designation of the value of the coin, an inscription of the year 2002, and, following U.S. tradition, inscriptions of the words: In God We Trust, United States of America, and E Pluribus Unum.

Half of the coin proceeds will go to the Salt Lake Organizing Committee for use in the staging and promotion of the games and the other half to the U.S. Olympic Committee. I certainly urge adoption of this bill.

I have one comment that I would like to add. I think the Olympic Games are extremely important. Not only does it give us the opportunity to compete with other very, very fine athletes from all around the world, it is really a geography lesson that is learned as we watch the competition in various parts of the world; and I would like for the aborigines in Sydney to know that we are learning about them as we watch the games in Sydney and that their plight is not unnoticed.

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

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

Mr. Speaker, I want to reinforce what the gentleman from Utah (Mr. COOK) earlier said, and that this legislation is a far cry from that which created the 1996 Atlanta Olympic Games Coin program. That program had multiple coins. It was overly ambitious. According to the General Accounting Office, it lost several million dollars.

This legislation profited from those mistakes. The gentleman from Delaware (Mr. CASTLE), who was then chairman of the Subcommittee on Domestic and International Monetary Policy, made several reforms on the commemorative coin program. Those reforms are incorporated in this bill. One important reform is that no surcharges from a commemorative program may be paid to a beneficiary organization until the taxpayer has been made whole for the cost of designing and producing the coin. That is done in this series.

The sponsor of this legislation, the gentleman from Utah (Mr. COOK), the gentleman from Utah (Mr. CANNON), and the Salt Lake Committee, all worked with the U.S. Olympic Committee and with the Senate and House Committee on Banking and Financial Services, recognizing this recent history and this legislation contains several changes from that previous commemorative coin legislation aimed at increasing the integrity of the program.

The most important change, one which has been praised by the coin collectors, is reduction in the standard maximum mintage level, which should make these coins retain its value for collectors, which traditionally buy about 90 percent of these coins. The Olympic committees have also worked closely with the Mint, with the Citizens Commemorative Coin Advisory Committee to devise this program. I would like to commend both the gentleman from Utah (Mr. COOK) and the gentleman from Utah (Mr. CANNON) for their efforts, along with the gentlewoman from California (Ms. WATERS) and the gentleman from New York (Mr. LAFALCE) for their efforts.

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

Mr. CANNON. Mr. Speaker, first of all, I would like to thank the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), for his efforts to bring this bill to the floor, and also my colleague from Utah (Mr. COOK), for his hard work in moving this issue forward. As many of the Members know, it takes 290 cosponsors on a bill to move a commemorative coin bill forward, and that takes a lot of effort.

So I would also like to thank all of my colleagues who have worked with us to cosponsor this bill and bring it to this stage.

We are going to have the Winter Olympics in Salt Lake City in February of 2002, and while in Utah we like to think of these as our Olympics. In fact they are America's Olympics, and it has been wonderful to work with our colleagues to help support that idea that this is the American Olympics.

I am personally proud of the Olympics because about 80 percent of the venues are going to be in my district, and frankly I know there are a lot of Congressmen who believe they have beautiful districts, but none are nearly so beautiful as mine. And so we invite everyone to come to the Olympics and to see another one of these areas in my district like Moab, where we have the Great Red Rock country where people go down and bike.

This commemorative coin is really about athletes; and now that we have the Summer Olympics going on in Sydney, it is good to consider just for a moment the benefits that they will get. We expect that this commemorative coin will raise about $6 million, which will be split evenly between the U.S. Olympic Committee and the Salt Lake Olympic Committee, and the proceeds of that money will all go to training athletes. So this is a great way to perpetuate the American tradition of winning the Olympics, as we are currently doing.

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

Mr. Speaker, this is a good commemorative coin program. I commend it to the Members. It honors a great tradition, the Olympics. It honors and supports our great U.S. Olympic team, those athletes.

Mr. Speaker, I simply join the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. COOK) in urging all Members to support it.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3679, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 2000

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1349) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs, as amended.

The Clerk read as follows:

H.R. 1349

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Prisoner Health Care Copayment Act of 2000''.

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4048. Fees for health care services for prisoners

''(a) DEFINITIONS.—In this section—

''(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

''(2) the term 'Director' means the Director of the Bureau of Prisons;

''(3) the term 'health care provider' means any person who is—

''(A) authorized by the Director to provide health care services; and

''(B) operating within the scope of such authorization;

''(4) the term 'health care visit'—

''(A) means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

''(B) does not include a visit initiated by a prisoner—

''(i) pursuant to a staff referral; or

''(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

''(5) the term 'prisoner' means—

''(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

''(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

''(b) FEES FOR HEALTH CARE SERVICES.—

''(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

''(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

''(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

''(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

''(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

''(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $1.

''(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

''(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(1) the account of the prisoner is insolvent; or

''(2) the prisoner is otherwise unable to pay a fee assessed under this section.

''(g) USE OF AMOUNTS.—

''(1) RESTITUTION OF SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

''(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

''(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

''(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

''(h) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

''(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

''(2) for services provided before the expiration of such period.

''(i) NOTICE TO PRISONERS OF REGULATIONS.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.

''(j) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.

''(k) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—

''(1) a description of the amounts collected under this section during the preceding 12-month period;

''(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners;

''(3) an itemization of the cost of implementing and administering the program;

''(4) a description of current inmate health status indicators as compared to the year prior to enactment; and

''(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.

''(l) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4048. Fees for health care services for prisoners.''.

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

''(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

''(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

''(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

''(B) the fee—

''(i) is authorized under State law; and

''(ii) does not exceed the amount collected from State or local prisoners for the same services; and

''(C) the services—

''(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

''(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

''(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

''(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(A) the account of the prisoner is insolvent; or

''(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

''(3) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be

provided with written and oral notices of the provisions of this subsection and the applicability of this subsection to the prisoner. Notwithstanding any other provision of this subsection, a fee under this section may not be assessed against, or collected from, such person—

''(A) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

''(B) for services provided before the expiration of such period.

''(4) NOTICE TO PRISONERS OF STATE OR LOCAL IMPLEMENTATION.—The implementation of this subsection by the State or local government, and any amendment to that implementation, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of that implementation (or amendment, as the case may be). A fee under this subsection may not be assessed against, or collected from, a prisoner pursuant to such implementation (or amendments, as the case may be) for services provided before the expiration of such period.

''(5) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed implementation under this subsection is open to public comment, written and oral notice of the provisions of that proposed implementation shall be provided to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed implementation.

''(6) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—Any State or local government assessing or collecting a fee under this subsection shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of such State or local government when medically appropriate. The State or local government may not assess or collect a fee under this subsection for providing such coverage.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

□ 1600

GENERAL LEAVE

Mr. PEASE. 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 the bill now under consideration.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Indiana?

There was no objection.

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

Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary, was unavoidably detained and has worked a great deal with the gentleman from Arizona (Mr. SALMON) on this bill, and the gentleman from Florida has asked that I include for the RECORD his remarks on this bill, which I now do.

Mr. Speaker, H.R. 1349, the Federal Prisoner Health Care Copayment Act of 1999, was introduced by the gentleman from Arizona (Mr. SALMON). It adds a new provision to title 18 to require the Bureau of Prisons to assess and collect a fee from inmates for health care services provided to the inmate. The Subcommittee on Crime and the full Committee on the Judiciary reported this bill favorably by voice vote. It is similar to S. 704, a bill that passed the other body by unanimous consent.

Currently, inmates in the Federal Prison System receive free medical care from BOP employees, Public Health Services personnel, and private health care providers working under contract with the BOP. The purpose of the bill is to impose a type of copayment fee of a nominal amount on inmates, similar to the copayment fee paid by most Americans when they visit a health care provider under a managed health care plan.

Under this bill, the fee would be collected from all inmates who request to see a health care provider. Under the bill as introduced, the director of the BOP would establish a sliding scale for the fee, dependent on an inmate's ability to pay, but in no event would the fee be less than $1 per visit.

The fees to be collected under this bill will help insure that inmates do not abuse the free health care they receive while in prison. Economists tell us that any time someone is given something for nothing, they will use too much of it. Health care copayment fees are a way to ensure that people use an efficient amount of health care, whether they be ordinary citizens or inmates. Also, the Bureau of Prisons has testified before the subcommittee that it believes some inmates often sign up for sick call as a way of getting out of other responsibilities. This fee will also help deter inmates from abusing the system in that manner.

The fee to be collected under the bill is limited in appropriate ways. For example, the fee will not be assessed for health care services that the BOP requires all inmates receive, nor would it be charged for return visits required by BOP doctors after the inmate's first voluntary visit. Inmates will also not pay the fee for diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment. The bill also provides that if one inmate is injured by another inmate, the other inmate would be assessed the fee for the injured inmate's treatment. And, the bill states that inmates may not be refused treatment because they are insolvent or otherwise unable to pay the fee to be assessed under the bill.

The fees collected from inmates who have been ordered to pay restitution on their victims are to be used for that purpose. Three-quarters of the remaining fees are to be paid into the Federal Crime Victims Fund, and one-quarter is to be used by the Attorney General for administrative expenses in carrying out the requirements of the bill.

The bill also allows State and local governments which are housing Federal inmates under a contract with the Federal Government to also assess such a fee, provided that the fee is authorized under the law of the State where the Federal inmate is housed and that State prisoners are charged no greater a fee.

Mr. Speaker, I support this bill, the administration supports this bill, and I urge all of my colleagues to support this bill.

Mr. Speaker, this ends the statement of the gentleman from Florida (Mr. MCCOLLUM).

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

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

Mr. Speaker, I rise in opposition to H.R. 1349, the Federal Prisoner Health Care Copayment Act. The bill authorizes the director of the Federal Bureau of Prisons to collect a fee of at least $1 from an account of a prisoner for each health care visit made by that prisoner. While we were successful through the amendment process to get certain health care services excepted from that fee, such as emergency visits and prenatal care, a prisoner must still pay a fee in most instances and for conditions as serious as infectious diseases.

The gentleman from Indiana suggested that chronic infectious diseases would not be assessed a fee, but other prisoners with other infectious diseases will be discouraged from seeking care with the fee. Discouraging prisoners from getting necessary health care services by charging a copay violates the government's constitutional obligation to provide such services. It will not reduce prisoner abuse of the health care system, and it will end up costing the taxpayers money.

Mr. Speaker, the Supreme Court has recognized the government's obligation to provide health care to prisoners. In 1976, in Estelle v. Gamble, the Supreme Court enunciated the principle that the government has an obligation to provide medical care to prisoners and this has been upheld in subsequent cases. For example, in 1989 in the DeShaney v. Winnebago County Department of Social Services the court stated, ''When the States, by affirmative exercise of its power, so restrains an individual's liberty that it renders him unable to care for himself and, at the same time, fails to provide for his basic human needs; e.g., food, shelter, clothing, medical care and reasonable safety, it transgresses the substantive limits on State actions set by the eighth amendment and the due process clause.''

Given the limited amounts of money on hand in Federal prisoner accounts

at any given time, a health care copayment requirement will impede their access to needed health care, particularly at the early treatment and intervention stage. The Bureau of Prisons reports that the majority of inmates make less than 17 cents per hour, and more than half of all inmates have no more than $60 in their account at any time, including the day immediately after their monthly pay period. Thus, even a minor copay would constitute a significant burden.

Establishing such a prerequisite to health care treatment not only undermines the government's constitutional obligation to provide medical care to inmates, but it also constitutes bad public policy. An inmate's failure to get timely treatment could result in a minor problem becoming a major problem, such as complications due to delayed detection of cancer or danger to others, resulting from untreated infectious diseases.

Further, the proponents' argument that the copay will deter inmate abuse of health care services simply lacks merit. Obviously, inmates with substantial amounts of money will not be deterred by a dollar or so copay from seeking unnecessary health care, and further, those inmates who are actually seeking appropriate care will still have to pay the copay, and so it discourages those who are seeking appropriate health care as well as those seeking inappropriate health care.

Therefore, a more likely effect of H.R. 1349 is their ability to pay will be the determining factor of whether an inmate seeks care and not whether the prisoner truly needs medical attention. Thus, it is not surprising when the Bureau of Prisons witnesses acknowledged at a hearing on H.R. 1349 that there is no way to know how many truly sick inmates will be deterred by the copay as opposed to those abusing the system.

Further, since even those who are determined to be truly sick must pay, it appears that the real purpose of the bill is simply to deter inmates from seeking health care whether they need it or not. Consistent with that purpose, the majority opposed amendments in committee which would have required a copay only if the inmate is found to have no reasonable basis for seeking health care services.

Finally, Mr. Speaker, there is a significant question as to whether the cost of administering the program will actually be greater than any savings projected. Proponents of the legislation point to States which have instituted inmate health care copayments to suggest that copays really work to discourage unnecessary health care and save the State money without jeopardizing the health care of inmates.

However, the only study on this issue has been a study by the California State auditor which found that the California Department of Corrections' annual copay program, the annual cost of that program of $3.2 million amounted to almost five times the annual collections, wasting $2.5 million. Certainly, it is not surprising that these audit results prompted the California State auditor to recommend that the program be terminated.

In conclusion, Mr. Speaker, this bill violates the government's obligation to provide health care services. It constitutes bad public policy by discouraging the truly sick from seeking health care, and it will end up costing the taxpayers money. Accordingly, I urge my colleagues to vote no on H.R. 1349.

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

Mr. PEASE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Arizona (Mr. SALMON), the author of the legislation.

Mr. SALMON. Mr. Speaker, I would like to, first of all, thank the committee chairman, the gentleman from Illinois (Mr. HYDE) for working so tirelessly on getting this piece of legislation to the floor. I would also like to thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM) for all of his hard work and his commitment.

As we can see from the poster board here, grandma pays a copayment when she seeks health care, but the criminals pictured here, John Gotti, Timothy McVeigh, Ramzi Yousef, and Aldrich Ames do not. Most law-abiding citizens like grandma pay a small fee every time they seek elective care. But the most despicable criminal element, terrorists, murderers and drug dealers face no such burden.

Why should Federal prisoners be any different? The free health care currently enjoyed by Federal prisoners is an offense to every law-abiding, hard-working American taxpayer who struggles to make ends meet. It is time to end the free ride for Federal prisoners by requiring them to contribute to the costs of their own care.

The Federal prisoner health care copayment act puts an end to the unfair policy that permits convicts totally free access to unlimited health care. Also, under the act, every time a convict pays to heal himself, he will pay to heal a victim. Most of the copayments collected will be deposited in the Crime Victims Fund.

The support for this bill is bipartisan and bicameral. The Senate version passed earlier last year with the support of everyone from JESSE HELMS to TOM DASCHLE. The Federal Bureau of Prisons and the Department of Justice have endorsed the bill. At least 38 States have enacted prisoner health care copayment plans. The bill reflects many of the features of the successful State copayment laws.

The Federal Prisoner Health Copayment Act simply requires the Federal Bureau of Prisons to collect a copayment of at least $1 for elected health care visits covered by the bill. The legislation applies to both inmates in the Federal Bureau of Prisons and those in the Federal system housed in non-Federal facilities such as county jails. It is expected that the Bureau of Prisons will adopt a sliding scale of fees to reflect the financial status of the inmates. Indigent prisoners would not be denied care. The fee would not be assessed for preventive health care services or emergency services, prenatal care, diagnosis or treatment for chronic infectious diseases, mental health care, or substance abuse treatment. The fee does not take effect until inmates are given prior notice. As mentioned above, every time a prisoner pays to heal himself, he will help to pay a victim.

Mr. Speaker, 75 percent of the funds collected go to the Crime Victims Fund, and the remainder covers administrative costs. If the experience of 38 States that have copayment programs up and running is any indicator, the Federal measure will accomplish several important objectives. Most importantly, frivolous visits will be reduced, perhaps dramatically. The Federal prisoner health care system is being overutilized, if not abused. The legislation will ensure that every prisoner receives the care they need without forcing the taxpayers to pay for red carpet treatment not available to most law-abiding Americans.

Consider some of the examples of how well this program has worked on the Statewide level. This is a list of all of the States in our country, 38, that have passed a copayment piece of legislation like I am introducing here today. Arizona estimates a 40 to 60 percent reduction in medical utilization. Florida experienced a 16 to 29 percent reduction in health care visits. New Jersey inmates visits declined 60 percent. Kansas saw a 30 to 50 percent reduction. Nevada, a 50 percent reduction, and Maryland, a 40 percent drop.

Mr. Speaker, CBO estimates that enactment of the Federal Health Prisoner Copayment Care Act would result in a reduction of medical visits that could be as low as 16 percent and as high as 50 percent. That is 50 percent, and that is significant.

These reductions translate into a real cost savings. The bill would generate annual revenues of $500,000 through collection of a copayment fee, most of which would benefit crime victims. Additionally, $1 million to $2 million in cost savings in reduced health care visits would be realized and could be upwards of $5 million in subsequent years.

According to CBO, the costs of administering this program would only cost about $170,000 annually. There is

absolutely no doubt that enactment of the Federal Prisoner Health Care Copayment Act will save taxpayers money and provide victims of crime with a modest boost in funding.

The bill will also improve prison safety and discipline, promote responsibility, and increase the resources available to truly sick inmates.

□ 1615

In addition to reducing unnecessary visits to these facilities operated by the Bureau of Prisons, the bill would accomplish the same result for Federal inmates under the supervision of the U.S. Marshals Service. The U.S. Marshals Service supports the bill for three other reasons:

Number one, equity. If those in a State criminal justice system must pay a copayment, so should the Federal inmates housed in the institution. Two, liability. With no Federal law on this matter governing, some Federal inmates have sued local facilities that have perhaps improperly charged them a copayment. Number three, friction. The exempt status of Federal inmates foster resentment amongst State inmates. As I mentioned, 38 States have passed this. Will it take 50 States before we finally get on board and follow the leaders?

As a bonus that will interest local facilities that house Federal inmates, the bill will generate hundreds of thousands of dollars. The attacks on this bill have one element in common: They are all misplaced. Any constitutional concerns do not even pass the most liberal laugh test. Thirty-eight States have enacted the copayment laws. These States have survived court challenges in at least seven States, one being the State of Virginia. The bill does not deprive inmates of health care, rather it requires them, when they have sufficient funds in their accounts, to pay a modest copayment when seeking elective care.

While it may be true that a majority of Federal inmates do not have an exorbitant amount of money in their prison accounts, what expenses do they use their discretionary funds for? Their meals are taken care of, their exercise is taken care of, their studies are taken care of. Prisoners are not paying for room and board. They are not paying for television or recreational services. So where do they spend their money? In the commissary on such items as cigarettes. The average cost of a pack of smokes is double that of the minimum in the Prisoner Copayment Act. If prisoners are left with less money to purchase products such as cigarettes, I think we could argue they might be better off.

Those concerned that the copayment would hit poorer inmates harder than the richer ones, should be happy to know that the bill permits the director of the Bureau of Prisons to assess higher fees for more affluent inmates. We have been hearing so much about how terrible the rich are in this country, so we can stick it to the rich inmates. This is a good provision in this bill.

As for cost effectiveness, a few members of the minority cite a California report on its copayment program. This report indicates that copayment fees collected may be less than the amount spent administering the program. Even if this is the case, the final figure as to the cost effectiveness of the California program, which I have read the report, it is dubious at best, because they have no kind of tracking mechanism to establish exactly where the money has gone or the money is collected or any of the cost-benefit analysis, but they are leaving out one critical factor: The dollar value of the frivolous visits eliminated by the copayment program. With this added to the equation, the California program would be a cost saver. But they have not had any tracking mechanism instituted to determine any real data on that. In any event, CBO has reviewed the legislation before us today and concluded that it could save up to $5 million a year in health care costs.

Some argue this will endanger prisoner guards. That obviously is not the case, given the strong support of the Federal Bureau of Prisons. In fact, just the opposite is the case. Guards may be exposed to additional danger when they accompany prisoners en route to a health care visit.

The final argument is the bill would lead to a decline in health care services for inmates. Wrong again. What the bill would do is to eliminate a significant percentage of frivolous visits. This should leave additional funds and resources for the generally infirm inmates.

The vote today on the Federal Prison Health Care Copayment Act will place each Member on one of two sides: The side of convicts or the side of victims. I encourage my colleagues to side with the victims.

Mr. SCOTT. Mr. Speaker, can you advise how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) has 14 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 7½ minutes remaining.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I yield myself 2 minutes just to say that, first, I could not quite tell on the pictures that were presented whether or not Members of Congress were over there pictured with the convicts, because we do not pay a copay.

I would also want to point out that according to the California State auditor, when they did their study on their program they made projections, and when they looked at what they collected, they only collected about one-third of what they had anticipated. So all of these projections ought to be taken in that light.

But it seems to me when we have a program that the State auditor of California calculated that they wasted $2.5 million trying to implement because the cost of implementation was more than the collections, that seems a strange reaction to a situation where we have a grandmother that someone is trying to give relief to. It seems to me we could take some of that $2.5 million and buy a whole lot of health insurance.

We talk about reduction in costs. We also have to add back the cost of the fact that the infectious diseases may not be caught and other people may be infected. Other situations like cancer may not be detected earlier when it is easier to treat. These kinds of expenses will go up because of this copay.

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

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in strong support of this bill because it is another step toward just plain old common sense in our Federal Government.

Thirty-eight States, as has been mentioned, including my own State of North Carolina, have successfully implemented this copayment program to help cover the cost of prisoners health care. And there is good reason for that. In North Carolina, the average total cost per inmate per day is $63. Of that, food costs about $5, but health care costs over $8.50.

With those numbers in mind, 3 years ago my State decided to implement a $3 copayment for medical services. This bill would bring that same common sense idea to our Federal prisons. If private citizens must pay every time they go to a doctor, then certainly those who have broken the law should have to pay when they choose to go to a doctor.

Yes, this bill will save Federal taxpayers money. CBO says about $5 million a year. However, it is the crime victims who will reap the most benefit from H.R. 1349. Seventy-five percent of the copayments will be directed to the Federal crime victims fund. And these copayments mean that with each elective visit to the infirmary, prisoners will take another small step to paying for their crimes.

It cannot be stated enough that under no circumstances will emergency services, prenatal care, treatment for infectious diseases, mental health care or substance abuse treatment be prevented under this bill. That will not happen. All of those services will be provided regardless of the prisoner's ability to pay. But by requiring nominal copayments of our prisoners for

elective medical treatments, this Congress will enact another common sense reform and, at the same time, give some help to the victims of these criminals.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume just to point out that the crime victims who may get money, if we look at the cost in administering this program, a $1 copay would cost 33 cents just to mail the $1 to the victim. Before we have accounted for it in collecting, in accounting, and all that kind of stuff, the idea that the crime victims may get a benefit, it would be a lot easier and cheaper just to appropriate more money directly to crime victims, to the crime victims fund.

This is a total waste of the taxpayers' money. Anybody that knows anything about accounting knows that trying to account for these $1 copays will be much more than any benefit that could be derived.

Again, Mr. Speaker, in conclusion, I would say the bill violates the government's obligation under the Constitution to provide health services. It constitutes bad public policy by discouraging the truly sick from seeking health care; it hits those who are sick from accessing appropriate services, as well as those that are not; and I think it is unconscionable to suggest we want to discourage people from accessing appropriate health care.

In the end, this program will cost the taxpayers money, more money than they can ever collect from this program. Accordingly, I urge my colleagues to vote ''no'' on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume, and rather than reiterate the statement of the gentleman from Florida (Mr. MCCOLLUM), which has now been entered in the record, let me just mention one point that was made during the debate, and that is the assertion that Members of Congress do not copay for their health care.

While there are a variety of options available, and I am not familiar with all of the plans, I know that this Member, and others that I have spoken to sitting right here, do copay on our health care plans.

Mr. Speaker, I would ask for support of the House on the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 1349, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 704) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 704

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Prisoner Health Care Copayment Act of 1999''.

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''§ 4048. Fees for health care services for prisoners

''(a) DEFINITIONS.—In this section—

''(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

''(2) the term 'Director' means the Director of the Bureau of Prisons;

''(3) the term 'health care provider' means any person who is—

''(A) authorized by the Director to provide health care services; and

''(B) operating within the scope of such authorization;

''(4) the term 'health care visit'—

''(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

''(B) does not include a visit initiated by a prisoner—

''(i) pursuant to a staff referral; or

''(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

''(5) the term 'prisoner' means—

''(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

''(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

''(b) FEES FOR HEALTH CARE SERVICES.—

''(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

''(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment, as determined by the Director.

''(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

''(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

''(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

''(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

''(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

''(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(1) the account of the prisoner is insolvent; or

''(2) the prisoner is otherwise unable to pay a fee assessed under this section.

''(g) USE OF AMOUNTS.—

''(1) RESTITUTION TO SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

''(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

''(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

''(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

''(h) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

''(1) a description of the amounts collected under this section during the preceding 12-month period; and

''(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

''4048. Fees for health care services for prisoners.''.

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

''(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

''(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

''(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

''(B) the fee—

''(i) is authorized under State law; and

''(ii) does not exceed the amount collected from State or local prisoners for the same services; and

''(C) the services—

''(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

''(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

''(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.

''(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

''(A) the account of the prisoner is insolvent; or

''(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.''.

MOTION OFFERED BY MR. PEASE

Mr. PEASE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PEASE moves to strike out all after the enacting clause of the Senate bill, S. 704, and insert in lieu thereof the text of H.R. 1349, as passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1349) was laid on the table.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

The Clerk read as follows:

S. 1638

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

SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–5(a)) is amended—

(1) by striking ''May 1, 1992'', and inserting ''January 1, 1978,''; and

(2) by striking ''October 1, 1997,'' and inserting ''January 1, 1978,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1638, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of Senate bill 1638, a bill which will amend the Federal Law Enforcement Dependents Act of 1996. That act provides educational assistance to the dependents of Federal law enforcement officers and State and local public safety officers killed in the line of duty.

The Senate bill passed the Senate in May by unanimous consent. The identical House version of the bill, H.R. 2059, was introduced by the gentleman from New York (Mr. KING) on June 8 of 1999, and it was reported by voice vote from the Committee on the Judiciary on July 11 of this year. The bill has wide bipartisan support. And in the interest of ensuring that this important legislation is enacted into law at this late hour in the legislative session, we have taken up the Senate bill.

The Senate bill would amend the Federal Law Enforcement Dependents Assistance Act to extend the retroactive eligibility dates for financial assistance for higher education to the spouses and dependent children of Federal law enforcement officers and State and local public safety officers that were killed in the line of duty.

Current law provides that the dependents of Federal law enforcement officers killed in the line of duty on or after May 1, 1992, are eligible for this assistance. Dependents of State and local public safety officers killed in the line of duty on or after October 1, 1997 are also eligible. Unfortunately, the somewhat arbitrary choice for these dates has excluded some deserving dependents from participating in the program. This legislation will move the eligibility dates farther back in time in order to make them eligible. For Federal law enforcement officers and for State and local public safety officers, the new date will be January 1, 1978.

This important legislation is endorsed by the Department of Justice, the Fraternal Order of Police, and the Federal Law Enforcement Officers Association. Considering the sacrifices these brave officers make to protect us all, I think that the least we can do is to help their families get the kind of education that they might not otherwise be able to afford.

Mr. Speaker, I urge all my colleagues to support this very important piece of legislation.

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

□ 1630

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

Mr. Speaker, I rise in support of S. 1638. The bill is identical to the Judiciary-passed version of H.R. 2059. The bill amends the Federal Law Enforcement Dependents Assistance Act of 1996 to extend eligibility for financial assistance for higher education to spouses and dependent children to Federal, State, and local law enforcement officers killed in the line of duty.

Current law provides that the dependents of Federal law enforcement officers killed in the line of duty after May 1, 1992, are eligible for this assistance. Dependents of State and local police officers killed in the line of duty after October 1, 1997, are also eligible.

This legislation would change the date to January 1, 1978, for Federal law enforcement officers and State and local public safety officers. This is an appropriate and cost-effective change in the law, given the modest cost projections of the program.

For example, less than $50,000 was spent under the program last year; and projections even under the longer eligibility periods remain modest, totaling about 24 million over the next 10 years.

Mr. Speaker, I am aware of no opposition to the bill and consider it to be a reasonable and worthy way to honor the memory and contributions of slain law enforcement officials and other public safety officers and to assist their families. I, therefore, urge my colleagues to support the bill.

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

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), who has been the author of the House version of this legislation.

Mr. KING. Mr. Speaker, I thank the gentleman from Arkansas for yielding me the time. I certainly thank him for his cooperation and support in expediting the passage of this bill.

I also want to, Mr. Speaker, give a special debt of thanks to the gentleman from Michigan (Mr. STUPAK), himself a former police officer, for the yeoman's job that he has done in making this a truly bipartisan effort and for giving up so much of his time and effort. And also words of thanks are due to the gentlewoman from New York (Mrs. KELLY), who actually was very instrumental in the passage of the initial legislation 2 years ago which this bill today is amending. She certainly deserves credit.

I also want to thank the Committee on the Judiciary for acting in such a bipartisan way. Also, I want to commend Kevin Horan of my staff for the great job that he has done in moving this bill along.

Mr. Speaker, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) have detailed exactly what this bill is about. I just think it is absolutely essential that we pass this legislation.

My father was a former New York City police officer for more than 30 years. I have known many police officers. I also, unfortunately, have known police officers and families of police officers who have been killed in the line of duty, who have been permanently disabled. And while there is nothing we can do to make those families whole, there is nothing we can do to take away their grief and suffering, the fact is that this is a step in the right direction. It ameliorates some of that suffering.

It also, probably just as importantly, shows that our country as a whole wants to acknowledge the debt that we owe to these men and women for the sacrifice and suffering that they have gone through. It is a way of we, as a Nation, telling what we are really all about and acknowledging the men and women who are on the front lines, who are protecting us day in and day out, who are putting their lives and limbs on the line for us so that we can enjoy a safe and prosperous life in this country.

So this is a bill which is very instrumental in, I believe, acknowledging the debt we owe to these people. It is also very important in showing where we as a country stand. It also shows that we, in a bipartisan fashion, can acknowledge the work that has been done by the police officers of this country and also give a little bit of respite, a little bit of solace, and a little bit of peace to the families of those who have suffered so much.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), a former law enforcement official, who is a strong supporter of law enforcement.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is great to see legislation come to the floor like this in a bipartisan manner. I remember when I came here in 1993, there was no law enforcement caucus. We founded a law enforcement caucus. We have been able to set up a bipartisan team that is constantly working on legislation to improve the lives for law enforcement and their families throughout this Nation.

We began in 1996 by making the bill available so that if Federal law enforcement officers were killed in the line of duty, the educational benefits for their spouses and their children would be taken care of.

Then again in 1998 we added State and local law enforcement. And now here we are in the year 2000 to really correct some inequities that have been found in all the laws that we have put together. But none of this could happen unless we all work together.

The gentleman from New York (Mr. KING) and I introduced this bill back in June of 1999. It was H.R. 2059. The Senate has moved quickly, so we are glad to substitute our bill for their bill just so we can get this passed in the waning days here of the 106th Congress.

The gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. KING), the gentleman from Arkansas (Mr. HUTCHINSON), we are all part of the law enforcement caucus. There are about 69 or 70 Members who work together to try to not only take care of personal needs like this, whether it is buying bulletproof vests or trying to make sure that the voices of law enforcement are heard here in the United States Congress.

As it has been said, the necessity for this legislation is because we have different eligibility dates for both Federal and State officers. And so what we are doing is really making the legislation actually move the eligibility dates back further in time to make more dependents eligible for this benefit. It will now go to January 1, 1978. And also, at the same time, Federal, State, and local public safety officers are included in this legislation. And we will take a look at the costs.

One of the big concerns in 1996 when we started the program was what would the cost be to the Federal Treasury. We have seen in 1999 just based upon educational benefits to officers' survivors who were killed in the line of duty was only around some $44,000. And as the gentleman from Virginia (Mr. SCOTT) says, even in the next 10 years, at most if everyone took advantage of it, it would be about $24 million.

So as a law enforcement officer and as a Member of this body, I thank everyone who has helped in this legislation, who has helped us through the years to make the law enforcement caucus a success. We have to be there for the families that every day they love and support the men and women who serve as law enforcement officers of this country. These families deserve our support when the unthinkable happens and their loved one is struck down. We have to look out for them just as their husbands, their wives, their mothers, their fathers look out for us each and every day, risking their commitments to their family for the greater commitment that they have made to this great Nation.

With that I thank all of my colleagues for moving this legislation forward. I thank them for their cooperation that we have enjoyed in the last few years and look forward to continuing to work with them on measures affecting law enforcement.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), who has been an extraordinary fighter for this legislation even prior to this Congress.

Mrs. KELLY. Mr. Speaker, I rise today to express my strong support for this bill.

Mr. Speaker, in the 105th Congress I proposed legislation which sought to provide educational assistance for the families of all fallen officers.

Though we were not able to fully achieve this objective, with the help of my colleagues on the Committee on the Judiciary, we took an important first step by enacting legislation which provided assistance to some of these families who have lost their loved ones in the line of duty.

This bill covers not only our police officers but fire people and corrections officers, as well our public safety officers who make our Nation safe.

Today we take action on a proposal to widen the circle of families who are eligible for this assistance. Approval of this bill will mark another significant step in fully recognizing the debt owed to those officers who have given their lives for the sake of all of us.

I urge all of my colleagues to join me in support of this measure. This is something we simply ought to do and we need to do.

I want to thank my colleagues, the gentleman from New York (Mr. KING) in particular, the gentleman from Arkansas (Mr. HUTCHINSON), the gentleman from Virginia (Mr. SCOTT), and the gentleman from Michigan (Mr. STUPAK), for their efforts on behalf of this important issue.

I urge my colleagues to vote for this piece of legislation.

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

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

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I wish to commend the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. STUPAK), as well as the gentlewoman from New York (Mrs. KELLY) and especially the gentleman from New York (Mr. KING), for being such a strong advocate of this legislation but also for being such a strong advocate for law enforcement in general.

This legislation rights a minor wrong, and that is it acknowledges those families that were left out of the original legislation. Despite the good intentions, that first draft clearly left some families out across the country.

I am very proud to represent the folks in Staten Island and Brooklyn and probably represent the most police officers, active and retired, I would bet, in any congressional district in the country. They are my friends. They are my neighbors. But more importantly, they protect us every single day.

It feels like every year I am going to another funeral for a police officer who was killed in the line of duty. And, yeah, it affects the New York City Police Department. It goes to the heart of society. It goes to the heart of these men and women who are willing to risk their lives to protect us. But it also destroys, in part, their families.

I have seen the young boys who lost their fathers to gunshot wounds to the head trying to protect a local community. I have seen mothers who were pregnant expecting their baby when they are burying their father. I have seen families who have four or five or six police officers between two families devastated when a young husband, a young father is killed from some career criminal.

So those are all the things that sometimes we forget that police officers are willing to do for us.

But one thing we do not forget today, with the help of the gentleman from Virginia (Mr. SCOTT) and the gentleman from New York (Mr. KING) and everyone else here today, is to tell those families that may have been left out, the Congress of the United States appreciates what they went through; and if they need help to help their child, we are there for them.

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

Mr. Speaker, I would just conclude by saying that when police officers give their lives to protect the rest of us, there is really no limit to what we ought to be willing to give back to that family.

This is a really symbolic gesture. The education of the children means that the next generation has a future. We know what education will do. And this is just one symbolic gesture of our respect and admiration for the courage of police officers and for those that have given the ultimate sacrifice on behalf of the rest of us.

I certainly know of no opposition to the bill and hope it can be passed unanimously.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the Senate bill, S. 1638.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4999) to control crime by providing law enforcement block grants, as amended.

The Clerk read as follows:

H.R. 4999

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 ''Local Government Law Enforcement Block Grants Act of 2000''.

SEC. 2. BLOCK GRANT PROGRAM.

(a) PAYMENT AND USE.—

(1) PAYMENT.—The Director of the Bureau of Justice Assistance shall pay to each unit of local government which qualifies for a payment under this Act an amount equal to the sum of any amounts allocated to such unit under this Act for each payment period. The Director shall pay such amount from amounts appropriated to carry out this Act.

(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

(B) Enhancing security measures—

(i) in and around schools; and

(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

(D) Establishing or supporting drug courts.

(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

(G) Enhancing programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

(H) Establishing cooperative task forces between adjoining units of local government to work cooperatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug or gang-related involvement.

(I) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that works with Federal law enforcement officials to prevent and control crime.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term ''violent offender'' means a person charged with committing a part I violent crime; and

(B) the term ''drug courts'' means a program that involves—

(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(ii) the integrated administration of other sanctions and services, which shall include—

(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(II) substance abuse treatment for each participant;

(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this Act to purchase, lease, rent, or otherwise acquire—

(1) tanks or armored personnel carriers;

(2) fixed wing aircraft;

(3) limousines;

(4) real estate;

(5) yachts;

(6) consultants; or

(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

(c) TIMING OF PAYMENTS.—The Director shall pay each unit of local government that has submitted an application under this Act not later than—

(1) 90 days after the date that the amount is available, or

(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 4(c),

whichever is later.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Director shall adjust a payment under this Act to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

(A) paid to the unit from amounts appropriated under the authority of this section; and

(B) not expended by the unit within 2 years after receipt of such funds from the Director.

(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after 5 years following the enactment of the Local Government Law Enforcement Block Grants Act of 2000 shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this Act to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this Act, be made available from State or local sources.

(h) MATCHING FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of a grant received under this Act may not exceed 90 percent of the costs of a program or proposal funded under this Act.

(2) EXCEPTION FOR FINANCIAL HARDSHIP.—The Director may increase the Federal share under paragraph (1) up to 100 percent for a unit of local government upon a showing of financial hardship by such unit.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $2,000,000,000 for fiscal year 2001;

(2) $2,000,000,000 for fiscal year 2002;

(3) $2,000,000,000 for fiscal year 2003;

(4) $2,000,000,000 for fiscal year 2004; and

(5) $2,000,000,000 for fiscal year 2005.

(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 2001 through 2005 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this Act, and assuring compliance with the provisions of this Act and for administrative costs to carry out the purposes of this Act. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

(c) TECHNOLOGY ASSISTANCE.—The Attorney General shall reserve 1 percent in each of fiscal years 2001 through 2003 of the amount authorized to be appropriated under subsection (a) for use by the National Institute of Justice in assisting local units to identify, select, develop, modernize, and purchase new technologies for use by law enforcement.

(d) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

SEC. 4. QUALIFICATION FOR PAYMENT.

(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this Act.

(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this Act.

(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this Act for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

(1) the unit of local government has established a local advisory board that—

(A) includes, but is not limited to, a representative from—

(i) the local police department or local sheriff's department;

(ii) the local prosecutor's office;

(iii) the local court system;

(iv) the local public school system; and

(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

(B) has reviewed the application; and

(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this Act;

(2) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

(3)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this Act; and

(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

(4) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

(5) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this Act shall be audited in compliance with the Single Audit Act of 1984;

(6) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this Act or that the Comptroller General reasonably requires to review compliance and operation;

(7) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this Act;

(8) the unit of local government will spend the funds made available under this Act only for the purposes set forth in section 2(a)(2);

(9) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this Act to increase the number of law enforcement officers as described under subparagraph (A) of section 2(a)(2);

(10) the unit of local government—

(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (B) of section 2(a)(2), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 2(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

(B) will conduct such an assessment with respect to each such enhancement or program; and

(C) will submit an annual written assessment report to the Director; and

(11) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this Act. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

(d) SANCTIONS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

(A) has taken the appropriate corrective action; and

(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this Act for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

SEC. 5. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) STATE SET-ASIDE.—

(1) IN GENERAL.—Of the total amounts appropriated for this Act for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

(2) MINIMUM REQUIREMENT.—Each State shall receive not less than .25 percent of the total amounts appropriated under section 3 under this subsection for each payment period.

(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any

payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

(b) LOCAL DISTRIBUTION.—

(1) IN GENERAL.—From the amount reserved for each State under subsection (a), the Director shall allocate—

(A) among reporting units of local government the reporting units' share of such reserved amount, and

(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

(2) AMOUNTS.—

(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

(6) DEFINITIONS.—For purposes of this subsection—

(A) The term 'reporting unit of local government' means any unit of local government that reported part 1 violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

(I) all counties are treated as like governmental units;

(II) all cities are treated as like governmental units;

(III) all townships are treated as like governmental units.

(ii) Similar rules shall apply to other types of governmental units.

(D) The term 'same population class' means a like unit within the same population category as another like unit with the categories determined as follows:

(i) 0 through 9,999.

(ii) 10,000 through 49,999.

(iii) 50,000 through 149,999.

(iv) 150,000 through 299,999.

(v) 300,000 or more.

(7) LOCAL GOVERNMENTS WITH ALLOCATIONS OF LESS THAN $10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than $10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among State police departments that provide law enforcement services to units of local government and units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

(8) SPECIAL RULES.—

(A) If a unit of local government in a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a nonreporting unit of local government for purposes of this subsection.

(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

(9) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this Act, if—

(i) the attorney general of a State certifies that a unit of local government under the jurisdiction of the State bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government, and

(ii) but for this paragraph, the amount of funds allocated under this section to—

(I) any one such specified geographically constituent unit of local government exceeds 200 percent of the amount allocated to the unit of local government certified pursuant to clause (i), or

(II) more than one such specified geographically constituent unit of local government (excluding units of local government referred to subclause I and in paragraph (7)), exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i) and the attorney general of the State determines that such allocation is likely to threaten the efficient administration of justice,

then in order to qualify for payment under this Act, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Director a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term ''geographically constituent unit of local government'' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

(c) UNAVAILABILITY AND INACCURACY OF INFORMATION.—

(1) DATA FOR STATES.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this Act.

(2) POSSIBLE INACCURACY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes for a unit of local government is inaccurate, the Director shall—

(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

(B) when necessary, use the best available comparable data regarding the number of violent crimes for such years for such unit of local government.

SEC. 6. UTILIZATION OF PRIVATE SECTOR.

Funds or a portion of funds allocated under this Act may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 2(a)(2).

SEC. 7. PUBLIC PARTICIPATION.

(a) IN GENERAL.—A unit of local government expending payments under this Act shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

SEC. 8. ADMINISTRATIVE PROVISIONS.

The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this Act and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this Act.

SEC. 9. DEFINITIONS.

For the purposes of this Act:

(1) The term ''unit of local government'' means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

(B) the District of Columbia and the recognized governing body of an Indian tribe or

Alaskan Native village that carries out substantial governmental duties and powers.

(2) The term ''payment period'' means each 1-year period beginning on October 1 of any year in which a grant under this Act is awarded.

(3) The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(4) The term ''juvenile'' means an individual who is 17 years of age or younger.

(5) The term ''part 1 violent crimes'' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(6) The term ''Director'' means the Director of the Bureau of Justice Assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. 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. 4999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

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

Mr. Speaker, the Local Government Law Enforcement Act of 2000 represents an important step by this Congress to assist local governments throughout the country as they confront crime. In stark contrast to the 1994 Crime Act, it does so without prescribing the specific programs localities must implement in order to receive funding.

This bill provides resources to localities to respond to their unique crime problems with their own unique solutions.

The text of H.R. 4999 is nearly identical to the reauthorization passed by the House of Representatives in February of 1995. There are two differences between this bill and the previous reauthorization.

First of all, the previous reauthorization as passed sought to repeal the COPS program. This bill does not do that.

□ 1645

It authorizes the block grants without in any way affecting the COPS. That is one difference. The second difference is that under the previous reauthorization and this bill, both include a 10 percent local match requirement, whereby the Federal share may not exceed 90 percent of the cost of a program proposed funding under the act. However, only H.R. 4999 includes a waiver exception in cases of financial hardship. Therefore, a unit can have its matching requirement waived upon a showing of financial hardship.

We should make no mistake that this bill will provide money for our law enforcement fighting efforts with greater flexibility to the vast majority of localities throughout America. Those who argue that this money will be wasted are completely wrong. This is not a grant program for police chiefs like the old Law Enforcement Assistance Administration. This is a grant program that assists communities in addressing their crime problems. It does so through a highly visible process involving all the major law enforcement, judicial and private sector voices in the community. There is a role for the Federal Government to assist the States in the fight against crime, but such assistance must appreciate that the problems vary from State to State and community to community. We must avoid a one-size-fits-all approach, even as we reject micromanagement support from Washington that comes at the expense of flexibility.

The act leaves to local governments the decisions regarding what their funding priorities should be. It neither requires that funds be spent on police officers nor on prevention programs. It leaves that decision to local governments who understand their crime problems far better than we do. Under this bill, localities can fund police on the beat or prevention activities or anything in between. The act simply requires that those funds be used to reduce crime and improve public safety.

I will not go through all the different sections of the bill, Mr. Speaker; but I believe that the Local Government Law Enforcement Act is an important way for the Federal Government to assist localities in dealing with crime without getting in their way. It is a rejection of the ''Washington knows best'' mind-set and it provides more resources for the counties, cities, and towns of America to develop homegrown solutions to their unique crime problems.

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

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

Mr. Speaker, I rise not only to express my support for H.R. 4999 but also to express my disappointment that the bill under consideration on the floor today is being considered without committee consideration. Among the constructive purposes authorized in the bill are the hiring, training, and equipping of police and other law enforcement personnel and the establishment of crime prevention, early intervention, and drug court programs. The bill specifically contains prohibitions on buying things like tanks, airplanes, yachts, and limousines which could have been purchased under some of the former programs that the gentleman from Arkansas referenced.

While I support the reauthorization contained in the bill, I had hoped that we would be looking at a program at the committee level along with other important law enforcement programs such as the Community Oriented Policing Services program, better known as the COPS program. The COPS program has been very successful and considered to be a vital contributor to the success of local communities in bringing down the crime rate all across the country.

The gentleman from New York (Mr. WEINER), a member of the House Judiciary Subcommittee on Crime introduced an authorization bill for the COPS program which had the support of the administration and a significant number of other Members of the House. I know that the law enforcement community which strongly supports the Weiner bill would have preferred to see both of these matters taken up in committee with both coming to the floor for an authorization based on a full assessment of their value to the local communities. Unfortunately, that did not happen and here we are with just this part of the bill.

But before closing, Mr. Speaker, I would want to thank the gentleman from Arkansas for accommodating the concerns of the gentleman from Guam (Mr. UNDERWOOD) involving the formula for the appropriation. Inadvertently, the bill that we were to bring to the floor had an outdated allocation for Guam, but the bill before us now includes the updated allocation. Thanks to the alertness and effectiveness of the gentleman from Guam, we were able to correct this oversight.

Mr. Speaker, although the bill does not contain the COPS program, I support the bill because it includes authorization for valuable, effective crime prevention initiatives which will be developed on the local level. I urge my colleagues to vote aye on the bill.

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

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

I just wanted to thank the gentleman from Virginia for his comments in support of this legislation. I also just wanted to remark that the gentleman from Virginia has certainly been an ardent worker in the issues of crime, both in his work on the subcommittee but also I have attended numerous hearings across the country with him and he has certainly devoted himself to this issue. The gentleman raised the issue of the COPS program, Community Oriented Policing Services program. We have held hearings in committee. It is true that we have not moved forward the bill to reauthorize his program, but as the gentleman knows, there has been some concern expressed about the effectiveness of the

program. It was originally planned as a program with a fixed end to it. And so I think it is appropriate, just expressing my view, that at this juncture we wait until the next administration, wherever that might take us, to see exactly where we are going to go on that particular issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. FLETCHER), who has done an extraordinary job in pushing this legislation. Without his leadership on this issue, I do not think we would be here today talking about this.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time, and I certainly thank the gentleman from Virginia (Mr. SCOTT) for his support of this. I also want to thank the gentleman from Florida (Mr. MCCOLLUM) for all the work that he has done on this and the Subcommittee on Crime and the staff there that has done a lot of work on this.

As it stands right now, we have had a program similar to this instituted; it has been through the appropriations. We have never had it fully authorized. We passed a bill similar to this or it was passed in Congress before I was here, at least on the House but never on the Senate side. So we are hoping very much that we can get this bill fully authorized, fully passed to authorize this program with the appropriate changes that have been made here.

First of all, it allocates $2 billion a year for the fiscal years 2001 through 2005. We also understand as far as the improvements, they have already been mentioned, these as far as providing block grants back to local law enforcement agencies, it ensures that those communities, those poor communities that are not able to meet that match requirement previously will not be precluded from getting these block grants because of a waiver that we have instituted. I know this is going to be particularly helpful for our State of Kentucky. We have several communities that may need certain items for safety or police officers or other crime prevention programs, and yet they may not be able to meet that 10 percent match sometimes. So in those hardship cases, they are able to receive this grant which previously was unavailable to them. We are glad that that change was able to be instituted.

Why have we had so much emphasis on crime? I am glad to say that over the last 8 years we have seen a decrease in crime in this country, but if we look back as early as 1960, from 1960 or 1964 up to 1991, 1992, we had a 600 percent increase in crime in this country, a tremendous increase in crime. Seventy to 80 percent of all families were affected by crime, many types of crimes. Certainly it has affected our region.

I reference an article we had recently in Lexington, Kentucky, where we have particular needs. I think it points out the diversity of communities and the diverse needs communities have where it says the crime in Lexington increased in 1999 and that probably happened in other communities around the country. We can see from the diversity of problems that we have across the Nation that a plan that implements just a one-size-fits-all is not best for particular communities.

I think, clearly, the Federal Government certainly has a role; but the best crime prevention needs to come locally where they understand the particular problems that they have. That is what makes this program so effective and really so popular among law enforcement agencies and other institutions that work to prevent and reduce crime.

In Kentucky, we have already received $4.2 million in grants from this program. Almost $1 million has gone to our State police in Kentucky. Over half a million has gone to my district alone. In these we have used funds to hire police and to pay overtime. We have used the funds to purchase other law enforcement equipment and increased the technology that allows them to more effectively prevent and detect crimes. And we have used it to establish crime prevention programs that otherwise would not be able to be afforded or be available for the communities. So it is very important.

I am certainly pleased that we have a tremendous amount of bipartisan support on this bill, the approach to reduce crime by ensuring that we provide flexibility to local law enforcement agencies and organizations and that we understand that we can bring certainly the priority of crime prevention from the Federal level but many of the decisions need to be made at the local level to ensure that we do effectively fight crime, reduce crime in this country, and make this a safer Nation for all people. I encourage everyone to vote for this bill.

Mr. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4999, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 2000*.

□ 1700

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. COBURN. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion.

The Clerk read as follows:

Mr. COBURN moves that the managers on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to recede to Section 517 of the Senate Amendment to the House bill, prohibiting the use of funds to distribute postcoital emergency contraception (the morning-after pill) to minors on the premises or in the facilities of any elementary or secondary school.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. FRANK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, may I inquire of the Chair, who has the right to close on this debate?

The SPEAKER pro tempore. The gentleman from Oklahoma has the right to close.

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

Mr. Speaker, the purpose of this motion to instruct is to bring the House in line with the Senate's vote on this very issue, and we are going to hear a broad debate this evening about the pros and cons of postcontraception, but that is not what I think this debate is. I think the debate is whether or not parents ought to be made or allowed to be involved in significant decisions of their children, and what we are doing now in 180 schools in this country is excepting out parents from a decision that they need to know about, excepting out parents and the child's physician from a medical decision that is being made for that individual.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask, as we await some other Members who are a little better informed on this than I, I did have some questions for the gentleman from Oklahoma (Mr. COBURN). As I read the instruction, and I am not totally familiar with the Senate language, he said this was to protect the rights of parents. As written, the instruction would say that that was a prohibition, even if the parents consented. Is that the gentleman's intent that even if the parents consented this would not be allowed?

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I would not have any problem; that is their individual choice. I have a problem in destroying the life of an unborn baby; that is a different topic. But if, in fact, a parent is involved, but under the auspices of the HCSC planning guidelines and under the auspices of title 10, there is no obligation to inform the parents whatsoever.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, I thank the gentleman for that, but the point is, as I read the instruction, if that is an accurate repeat of the language in the Senate bill, it does not allow for an exception where the parents want to. So it goes from saying the parents are not involved at all on both sides.

I would say one other thing, and I see the gentleman from Illinois (Mr. PORTER) is coming, and I am prepared to yield the time to him, but I am struck, when we discuss the question of abortion and those who make it illegal talk about an unborn child, I think we ought to be clear when we are talking now about a morning after bill, because we are often told there is a heartbeat, there are feet, there are various representations of that unborn child.

We are clearly here talking about a situation where there is no physical manifestation of the unborn child of the sort we have seen, there are no feet, there is no heartbeat. This is a philosophical objection. This is an effort to make illegal something which is philosophically expressed opposition to a form of birth control. It is very different than the kinds of representations we get.

Mr. Speaker, I ask unanimous consent to yield the remainder of the time that was allocated to me to the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin (Mr. OBEY) will control the remaining time allotted to the gentleman from Massachusetts (Mr. FRANK).

There was no objection.

Mr. OBEY. Mr. Speaker, could I inquire, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 28 minutes remaining.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that 14 minutes of my time be allocated to the distinguished gentleman from Illinois (Mr. PORTER) for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. PORTER) will control 14 minutes of the 28 minutes allotted to the gentleman from Wisconsin (Mr. OBEY).

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I frankly am of a split mind on this issue. I am fairly old fashioned, and I come from a part of the country where these kinds of subjects are not discussed much in public, and I frankly get uneasy when I walk into a lot of places and see condoms and other devices being made available on a wholesale basis. I am very uncomfortable about that. But I think it is also a complicated question.

I have concerns about the motion of the gentleman from Oklahoma and actually there are a number of reasons. First of all, because I am not necessarily convinced that the best approach in my city, my hometown would be the best approach in New York or San Francisco or Lexington, Kentucky or other communities or vice versa. And I think one of the problems with the Coburn motion is that it gets in the way of local people being able to decide how they want to handle a very sensitive problem.

Secondly, I think you do have conflicting views about which approach actually saves the most lives and prevents the most abortions. And I suspect that what the answer is to that question again depends on the community morals and practices and culture. And so while I understand those who say that they find issues like this distasteful and sometimes they get, in fact, angry.

Mr. Speaker, I really wonder whether it is wise for the Congress to tell local school districts that one approach is better than another.

The other thing I would simply say is that we are trying to close up this session, and that means we are trying to resolve differences; that means we are trying to keep as much language off appropriation bills as possible, and it seems to me that to the extent that these riders are attached, which are legislative in nature, they get in the way of our ability to finish our work before the end of the fiscal year, and that causes all kinds of turmoil.

And also, frankly, if we are going to start making motions to instruct on this bill, then a number of us are going to have motions to instruct to try to accomplish policy ends that we think are important also. So if we are about to get into that business, then I guess we are going to have to get into it all the way.

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

Mr. COBURN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just say in response to the gentleman from Wisconsin (Mr. OBEY), there are 4,000 clinics, outside of school clinics, where you can get this done with Federal funds, what we are saying is, is this should not be happening in a middle school. There is plenty of places that if you want this service, you can get it, but it should not be occurring in the seventh and eighth grades in this country without a parent involved.

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

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

Mr. Speaker, the motion of the gentleman from Oklahoma (Mr. COBURN) is certainly a proper motion and appropriate, but it is a very unfortunate motion for us.

It contravenes instructions given to us by our own leadership, it attempts to circumvent the House rules and procedures, and it makes the completion of our conference more difficult at a time when we are trying to finish our work. In meetings in mid-July, I should tell the gentleman from Oklahoma, the bicameral majority party leadership decided that we should drop all controversial riders to the Labor, HHS and Education bill. The senior senator from Pennsylvania, the chairman of the Senate subcommittee, Mr. SPECTER, and I were instructed to do exactly that to move this process forward.

Mr. Speaker, based on these instructions, the Senate receded from its position on this amendment; and all other similar riders were dropped in the conference.

Mr. Speaker, the motion if offered by the gentleman from Oklahoma as an amendment to the bill would not be in

order in the House. Thus the import of this action is to attempt to do by motion what the rules would have prevented him from doing by amendment on the House floor.

Finally, Mr. Speaker, this motion will only serve to sharpen differences within this bill and delay the completion of the final conference report.

Mr. Speaker, of the funds made available in the bill, Elementary and Secondary Education Act funds are prohibited, by law, from being used for health clinics of any sort. Only Public Health Service funds provide a substantial source for the activities that the gentleman is alluding to.

I note that the gentleman is a member, and a valued member, of the Committee on Commerce; he is, in fact, vice chair of the Subcommittee on Health. I also note that recently coming across my desk he wrote with others a dear colleague relating to the Ryan White AIDS program.

Now, we support very strongly the Ryan White AIDS program; and we, in fact, have very substantially increased it over the President's budget request. I certainly applaud the bipartisanship on that matter. While amending the Public Health Services Act to reauthorize Ryan White, why could not the provisions included in the motion be included there? Why did not the gentleman simply add the provisions that he is attempting now to attach to an appropriation bill, where it is not appropriate, to the authorizing bill that he had before him at that time?

Mr. Speaker, I would ask the gentleman if he would respond to that. It seems to me that the Commerce Committee is where it ought to be taken up. Over and over, authorizers tell appropriators to stay off of their turf, to not do what they are authorized to do in their jurisdiction. I agree with that. We include no authorizing provisions in the House bill without the express approval of the authorizers. But the gentleman from Oklahoma telling let us get into their jurisdiction and put this Provision on the appropriations bill.

It does not belong in this bill. It should not be discussed here. The motion simply attempts to put legislative language into an appropriation bill, we do not want to do that. We wanted the authorizers to do their work.

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

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

Mr. Speaker, number one, I would thank the gentleman from Illinois (Mr. PORTER), I wished the gentleman would have given me the idea 2 months ago or 3 months ago, and I would have been happy to put that in the bill.

Number two, I find it somewhat ironic. I want to stay on the issue. I find it somewhat ironic that we cannot use direction in terms of spending with the motion to commit, but yet we are funding hundreds and hundreds and hundreds of millions of dollars of programs that never have been authorized by any of the authorizing committees.

What I would ask the gentleman is, does he believe it is right that a 12-year old should get a morning after pill in a school clinic and a parent never know anything about it. I mean, that is what this issue is about. Whether or not we are going to give a prescription drug to a young adolescent female without her parents ever knowing in school; that is what the objection is. That is why this rider is there.

The Senate passed this 54–41. This is not a pro-life, pro-abortion debate. This is a debate about parents being involved. As we look at the young people in our country today, the one problem we are seeing and we are trying to solve in many of the programs that the gentleman has graciously funded through his appropriation to re-empower parents.

□ 1715

This bill tears them down. This bill separates by not having this. So the Senate did want this. They voted it. All we are asking is for the committee, should the House accept this motion to instruct, to follow that and give parents back some of their power.

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this motion to instruct. The Helms amendment, which my colleague urges the Labor-HHS conferees to accept, was, in fact, voted on and rejected during the conference meetings in late July.

Our colleagues who opposed it understood that supporting this motion would interfere in locally made decisions.

There are roughly 1,200 school-based health clinics serving young people across the country, a partnership between local schools and community health providers. Three of four middle- and high school-based clinics do not offer contraceptive services at all.

Of the 25 percent that provide these services, the decision to do so has been made collectively by the schools, the parents, community organizations and the young people themselves.

The community works together to decide what is best for their young people and Congress should respect these local decisions. For those communities that choose to offer contraceptive services, access to contraception, including emergency contraception, just a double dose of a regular oral contraceptive, is crucial to helping teens avoid unintended pregnancies.

I am the co-chair of the Congressional Advisory Panel to the National Campaign to Prevent Teen Pregnancy, along with my colleague, the gentleman from Delaware (Mr. CASTLE). We have worked very hard in a bipartisan way to find community-based solutions to the epidemic of teen pregnancies that we have experienced in the 1990s. The good news is that the teen pregnancy rate has fallen for 7 straight years. The bad news is that American teenagers still experience 1 million pregnancies each year.

In fact, teen pregnancy rates in this country are higher than in all other industrialized countries, twice as high as in England or Canada, nine times as high as in the Netherlands or Japan. Sadly, the risk of unintended pregnancy is only part of the problem facing our young people. There is also an epidemic of sexually transmitted disease among young Americans, but they do not even know it. Kids think it cannot happen to them, but it can and it is.

Kids are getting STDs like chlamydia, which years later can rob them of their fertility; HPV, which can lead to cervical and penile cancers; and HIV for which tragically there is still no cure.

Young people may visit a school-based clinic for information about pregnancy prevention, but leave with facts about STDs that can save their lives.

I believe that if we continue to deliver strong and consistent messages about the importance of abstaining from sex, the risk of STDs, accurate information about contraception, we can continue to make continued progress in the fight against teen pregnancy and STDs; but since we know from recent data that three-quarters of the decline in the United States teen pregnancy rate is attributable to improved contraceptive use among teenagers, denying teens access to contraception will only jeopardize this progress.

It does not make sense. That is why we should leave decisions about providing contraception and other important health services to local communities and schools. School-based clinics have an enormous job to do, and they are doing a world of good.

Let us continue to support our communities, as they work to protect the health and safety of their kids. I urge my colleagues to defeat this terribly misguided motion.

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

Mr. Speaker, I would like to respond. The awareness of the sexually transmitted disease epidemic is one of the things that I think that I have brought to this body. It was denied, obscured and covered up over the last 6 years. The fact is, as a postcoital morning-after pill, administration does nothing to prevent sexually transmitted diseases. The other thing is the gentlewoman who just talked has been against informing people of the fact

that a condom does not prevent someone from getting the largest incurable, sexually transmitted disease that we have, that will infect 6 million people this year. So if we want to talk accurately about the medical facts, I will; but this issue is when a child at school cannot get an aspirin without a parent being involved, but we can give them a prescription pill that will have a long-term impact on them. I think we need to have a full and fair discussion on that.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I support this motion. As a mother and a grandmother, I would be furious, literally furious, if my child were given this pill because I as a mother have to be notified if my child is given an aspirin. So it really upsets me that this decision is made by other people and not by the parents.

There is very little risk involved in taking a simple aspirin, but the morning-after pill does have several possible side effects. While I do not support this as a means of emergency contraception, it is a legal choice, and those who choose to do it should do it under the supervision of a doctor.

Currently, any school that does receive Federal funds for family planning is authorized to distribute the morning-after pill, and right now 180 school clinics offer it. The most disturbing fact is that the Federal laws and regulations overrule State parental consent and notification laws so school nurses can distribute this pill without the parents ever being involved.

I urge my colleagues to vote for this motion and vote to make sure that parents have more rights over their children than the Federal Government.

Mr. PORTER. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to the Coburn motion to instruct. It is no secret that many who support this motion would not only take contraception from schools but would also remove the option from all health clinics. So to say that school health services are not needed is just another anti-choice action.

We know that numbers of teenagers across the country rely on school-based health clinics for their health services and for health care information. Local decision-makers and community representatives, those who know their teenagers' health needs, not the Federal Government, should have the right to decide the services their school health clinics will offer. These individuals are elected by the local constituencies. These schools will tell their school districts what they want. Local decision-makers are the ones who know the needs of their teenagers. They deserve the right to address those needs.

Allowing access to emergency contraceptive care gives teens the ability to act responsibly; act before they become pregnant so that they do not become pregnant. Let us help teens prevent unintended pregnancies. Let us give our local schools and local health clinics the right to decide for their communities.

I urge my colleagues to oppose the Coburn motion to instruct.

Mr. COBURN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in strong support of the Coburn motion to instruct conferees. Frankly, I do not know how any Member could disagree with this motion that simply prohibits the distribution of the morning-after pill at schools. This is a pill that can cause an early abortion. So our kids can go to school, be given an abortion pill without their parents' consent. Well, unbeknownst to most parents, this is happening in at least 180 schools across America.

Why is this so surprising to parents? Because parents are required to sign a note or permission slip for everything. If their daughter needs an aspirin, the parent writes a note; if she needs an allergy shot, another note; cold medicine, a note from home; insulin, parental permission; penicillin, more permission; Ritalin even more permission. Then logically our daughters should not be given something as potentially harmful as the morning-after pill at school.

This is a pill that can have side effects such as risks of developing blood clots, heart attacks, strokes, cardiovascular disease. Obviously, one should not just be able to go to a school nurse to get it. The Coburn motion is a logical protection for our daughters and for the right, as parents, to help make important health decisions for them.

Some will argue that our daughters need the morning-after pill in schools if they have been raped or abused. If something as tragic as rape or abuse has violated a young girl, schools are required by law to report this to the authorities. Then proper care can be given to them in a hospital, not at their school.

I urge my colleagues to support this motion.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, what we are talking about here is not abortion and it is not RU–486. It is a high dose of oral contraceptives. We are talking about contraceptives here. School-based clinics provide health care professionals an ideal opportunity to counsel teens about the importance of delaying sexual activity and the risks of unprotected sex.

I would hope, we would all hope, that all girls would consult their parents if there has been a terrible mistake made; but unfortunately that communication does not happen in every family. Would we not want then to prevent an unwanted pregnancy and to prevent perhaps even an unwanted abortion? Certainly many State and local governments want to give their school-based professionals that option.

I always thought that this Congress was for local control. It seems to me we are for local control if it is our views but not the other guy's views. I do not think that is right. Let our local governments decide whether they want their school-based professionals to counsel girls and to be able to give them these contraceptives. Vote no on this motion to instruct.

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

Mr. Speaker, there are 4,000 other places in the United States that they can get these pills if they want them. We do not need it in the school. It amazes me that our whole goal is to help somebody keep a lie in our school-based clinics when we use a morning-after pill. The fact is there is a lot of freedom when young women go to their parents after having made a mistake, and are encouraged to do that.

Know what? If we cannot do this in the school, that is what will happen is the school nurse will encourage the young woman to talk with her mother and if she has a father and say we need to talk with them and get their permission to do this.

There are 4,000 other places funded by the Federal Government where this can happen. What we are saying is this should not happen in schools.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentleman from Oklahoma (Mr. COBURN), for yielding me this time.

Mr. Speaker, I strongly urge Members to support the Coburn motion to instruct conferees, to accept the Senate-passed amendment to protect young girls from being given powerful abortion drugs at school.

I say again, we are talking about a school setting, and that is no place. It is bad enough that this kind of action takes place in abortion mills. To think that we would sanction in any way or shape or form the prescribing of this kind of death to an unborn child at school is outrageous.

It should be noted that these abortion drugs not only destroy a newly created life, but they do indeed carry significant risks for the young student.

□ 1730

As the gentleman from Pennsylvania said a moment ago, with Preven, if we look at the conditions, what the manufacturer itself says, and I quote,

''These conditions can cause serious disability or even death.'' We are talking about this being given out in a high school or junior high or elementary school setting. Our elementary and secondary schools should be the last place, Mr. Speaker, the last place where legitimate parental rights are trampled and usurped, especially when the health or the life of their daughter is at risk. Our elementary and secondary schools should be the place where life is affirmed and respect for life is affirmed; again, the last place where abortion drugs are used.

Years ago, many of us warned that school-based clinics would be misused to facilitate abortions for minors, especially by way of referrals to abortion mills. We know that is going on. Planned Parenthood alone does over 200,000 abortions in its own clinics each and every year, many of them by referrals from schools. But now we know that at least 180 schools across the country offer abortion drugs at their school-based clinics. That is outrageous for parents and for their daughters.

Mr. Speaker, we need to speak up loud and clear. Support the gentleman's very, very smart and wise motion.

Mr. COBURN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think that schools are an inappropriate place to dispense morning-after pills, so I rise in support of the Coburn motion to instruct. I think more importantly, not only current law allows this to be done without parent's consent, this is done without parent's knowledge. I think to have in place a law that says, all parents are bad parents. If parents know that their daughter is expecting a child, that would be bad for their daughter. I think we definitely need to make this change, and I think that is probably why a majority of the Senators supported this change when this issue came up in the Senate.

Mr. Speaker, I think that the motion to instruct is a start, because parents should be the first to know if their daughter is pregnant, not the last. There are so many things parents should and would want to do, and I do not think we can have in Federal law a situation where we just assume the worst about every parent in this country. That is why I strongly support this motion to instruct, and I urge everyone to vote for it.

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

Mr. Speaker, it has been said over and over again here that this is a question of parental consent. I do not see any of that in this. This simply prohibits the distribution of these contraceptives on school promises. It does not say that if the parent consents, you can do it. It says, you cannot do it under any circumstances. So the whole issue of parental consent is not contained in this motion to instruct; it has nothing to do with this motion to instruct whatsoever.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in opposition to the Coburn motion to instruct conferees.

Mr. Speaker, school-based health centers are partnerships. They are partnerships within a community, and they are organizations in which school personnel, parents, community leaders, health professionals set policy governing what health care is available and under what circumstances. Mr. Speaker, 94 percent of school-based health centers require parental consent forms before a student can be seen. Two out of every three allow parents to choose which services their child cannot receive.

Those centers in which children have most access on their own are located in those communities where teen pregnancies are the highest, and they are the communities where supervision of these children, support for these children, community options for these children, public education for these children is frankly the worst. There are children in our communities who never see their parents for days, and who are basically on their own. There are also lots of young women in high schools who are really actually the victims of what we would now call date rape. But nobody has talked to them about how to say no. Nobody has educated them about how to prevent pregnancy. So we are saying that they should have, through their high school clinics, if the community board has determined that this is appropriate, they should have access to a morning after pill or emergency contraception. This kind of contraception is only a high dosage of birth control pills, the same kind of pills that millions of Americans take every day. This is not RU486. This is just a high dosage of normal contraceptive pills.

If a woman is already pregnant, the emergency pill has no effect on her pregnancy. But if a young person takes this within 72 hours of unprotected sex, date rape, rape, which is sometimes the case and more often than we actually like to acknowledge, or is the victim of incest, she can actually prevent herself from being pregnant.

Mr. Speaker, I do not understand why my colleagues who oppose abortion, although I do understand why they oppose abortion, but I do not understand why they are so opposed to preventing pregnancy, particularly for young girls who are not going to be able to support this child economically and are almost by definition unready to support this child emotionally.

My concern for the children of America is that they be born into stable, loving families that can give them the emotional and economic support and guidance over decades that children need. I can understand the difference of opinion in our Nation about how to manage abortion or what role abortion should play. But this, frankly, has nothing to do with abortion at all. It has everything to do with preventing pregnancy; it has everything to do with communities, health professionals, parents, educators, merely giving young women the knowledge and the tools and the power to prevent pregnancy.

Now, is it wise for young women to be intimate sexually when they are in high school? I would tell them no, because on a peer development basis, you are transferring power to this young man that frankly women should not transfer because they get more into the web. I mean, I could go on and on. I tell high school kids this. I tell kids all the reasons why being sexually intimate prematurely is not a good idea, how it disempowers them, how it limits their ability to develop and gain control over their abilities, their future, their hopes and their dreams.

However, by the same token, I want those young women who nobody told that to, I want those young women who had nobody advising them and helping them to at least know and understand what their choices are for responsible action. Frankly, I think it is more responsible for a young woman who has either been the victim of date rape, been the victim of rape, how many of these young people are the victims of incest, we do not know, but we are cavalier, cavalier about denying them access to a contraceptive that simply prevents implantation. It prevents pregnancy. That is a good thing. If you cannot economically and emotionally support a child, frankly, it is wise and responsible not to have one.

Mr. Speaker, I urge my colleagues to oppose the gentleman's motion, because this House has no business passing this provision.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume. As somebody who has delivered 3,500 babies and who has cared for every complication of pregnancy, I want to clear up the medical facts. A pregnancy, regardless of when Planned Parenthood says it occurs, occurs when a sperm and an egg unite. Because of where it is located, they have arbitrarily picked to say that is not a pregnancy is the biggest misstatement that I have heard.

Number two is we are talking about high dose oral contraceptives. We are not talking about a small dose. The reason that we have many dosages of pills today is because the risks associated with the high doses were so great

that they caused major complications for women. Now, to do morning after pills, we are reverting back to levels of hormones that we have not seen in 20 years in this country in single doses. That raises significant complications for these young women.

The final thing that I would say is if this fails to work, which 25 percent of the time it fails to prevent the pregnancy, there is a concept known as limb reduction deficits, and if we look that up, what we find is babies born without hands, without fingers, without ears, without toes, and without their limbs. That is one of the causative factors from high-dose oral contraceptives at the formative stage of an early fetus. So medically, what was just stated is inaccurate.

Mr. Speaker, I yield 3½ minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today in support of this motion to instruct conferees offered by the gentleman from Oklahoma (Mr. COBURN), my friend.

Mr. Speaker, public schools should not use our taxpayer dollars to distribute the morning after pill to the children of this Nation. This is serious business. We are talking about whether or not the schools of America hand out emergency contraceptives to the children of America. There are many factors in play here, but I fundamentally believe that it gets back to what schools are supposed to be about.

Mr. Speaker, the last time I checked, schools are supposed to be about education. This is their stated purpose, and I think we should all agree that schools have a lot of work to do in that area just to get our children educated.

It is unimaginable to me what I just heard on this House floor, that it has been suggested that a girl who is date raped or suffered from incest should go to school the next morning to get a pill to make sure she is not pregnant, instead of being with her parents in a hospital with police and counselors that could help her. That is where this type of idea leads when we operate in secrecy from parents. Some would say that schools cannot teach if kids are worrying about life's outside pressure. Well, that may be true, but I believe that if schools were really focused on education and teaching, some of life's worries and outside pressures might fade away.

Studies have shown that high educational expectations and goals keep kids focused on their future and their education, and they are not so easily sidetracked. Like it or not, when schools pass out emergency contraceptives, it sends a signal to kids. It says, there is no need to talk to your parents or involve them in decisions which are of immense importance to your physical and emotional well-being. It also says that schools will help students bypass their parents and help make life-changing decisions for them. I am sorry, Mr. Speaker, but this is not what our schools are supposed to be about. I think kids, parents and folks all across this Nation know it. Schools are supposed to be about reading, writing, arithmetic and educational experience, not social projects funded with taxpayer funds which bypass parents and harm children.

It seems to me that it is not okay for a child to even sneeze in class without a parent's permission, and rightly so, you need parental permission to go on field trips and for a variety of other reasons. You often need parental permission just to take an aspirin. Yet, providing emergency contraception is of more serious medical consequences and parents are specifically not involved.

The Congressional Research Service looked into the prevalence of providing emergency contraceptives in school-based clinics and they found at least 180 schools across the country already are handing out emergency morning after pills in their clinics. This is just part of their sample.

Again, Mr. Speaker, schools should be about education, teaching, and learning. Let us keep the focus there. I urge my colleagues to support this motion to instruct conferees.

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

□ 1745

Mr. COBURN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life, I had a Ph.D. I guess I still have it. Coming here does not remove that. I taught medical school. I taught nursing students. I have about 100 papers in the scientific literature. So I know something about the process that we are talking about today.

We also have 10 children in our family and 11 grandchildren and one great grandchild. And I will tell my colleagues from the perspective of a professor, a teacher, a parent, a grandparent and a great grandparent, that I think this policy of using taxpayer money to fund the morning after pill without parental consent is obscene and insane.

My colleagues should just stop to think about this. A child in school cannot get an aspirin without parental consent, and yet this legislation, this legislation that we are talking about, that we hope to somehow modify with this amendment, would permit the school, without the parents' knowledge, without parents' consent, with taxpayer money, to give a serious medication to a student which will terminate a life.

I say again: As a professor, as a father, as a grandfather, as a concerned citizen of this country, this is obscene and insane. Support, please, the Coburn amendment.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Here we go again. Although this session is about to wrap up, the attacks on reproductive health care keep coming. Today, we have a motion that strips away local control over school-based health clinics.

My dear friends and colleagues on the other side of the aisle constantly talk about the importance of local control. These clinics are currently run by communities, and they are not asking for interference by the Federal Government. But this motion steps in and prohibits school-based health clinics from dispensing emergency contraception.

What we are talking about is not an abortion pill. What we are talking about is a contraception pill that a young woman can take the morning after an evening where she may have had an emergency situation, such as rape or incest. Why should Congress make this decision for every single community and every single school and every single child?

If my colleagues believe in local control, vote ''no,'' and for many other reasons.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair would ask Members to heed the gavel.

Mr. PORTER. Mr. Speaker, I have no further speakers on my side. I would be happy to yield to the gentleman from Wisconsin (Mr. OBEY) 2 minutes for him to use on his side if he would like.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, emergency contraception has been portrayed as equal to abortion on this floor. Let us set the record straight. Emergency contraception is oral contraceptive used at higher doses.

This is oral contraception, taken once a day, prescribed by a health professional. And this is emergency contraception, taken within 72 hours of unprotected intercourse. Emergency contraception is not abortion. Same drug, same formulation, higher dose, one time. Passes through the system in a couple of hours.

Both oral contraceptives and emergency contraception work the same way: They prevent pregnancy. If a woman is pregnant, neither oral contraceptives nor emergency contraception will disrupt that pregnancy. Let me repeat: If a woman is pregnant, neither oral contraceptives nor emergency contraception will disrupt that pregnancy.

I urge a ''no'' vote on the Coburn motion.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this issue of health care in school-based clinics was already dealt with by the conference and it was rejected. This motion would deny Federal funding to any school-based clinic that provides emergency contraception.

Emergency contraception is not abortion. It cannot terminate a pregnancy. It prevents pregnancy in critical hours after unprotected sex. Emergency contraceptive in a school-based clinic is prescribed only by a doctor to young people seeking to act responsibly to prevent unintended pregnancy.

School-based health clinics are different across this country. They have been set up with the input of local officials, school personnel, parents and students. All of these interested parties participate in the decisions about what services they believe are appropriate and how the clinics will be run. Let us leave these decisions to the communities and to the local officials who are involved.

As I said, this conference has already agreed to reject this proposal. It is wrongheaded and I urge my colleagues in the full House to reject this motion.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. PORTER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTER) has 2 minutes remaining.

Mr. PORTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 1½ minutes.

Mr. MORAN of Virginia. Mr. Speaker, across the river about 10 years ago, when I was mayor, we set up a school-based health clinic. It was very controversial and difficult to do. But now that it has been set up, it has saved countless lives. It has helped teenagers to act more responsibly.

Ultimately, the community concluded that while it would be wonderful if we could convince teenagers never to have sex, if we could eliminate unintended pregnancies, unwed pregnancies, the reality is that we have to deal with human nature. We have to improve the lives of people. We decided that as a community, which is the way that these issues should be decided, where people can accept the accountability for decisions that they make for the people they serve directly.

I do not think we are particularly successful in trying to mandate morals. We have an opportunity now for professional people, school health nurses, generally, to be able to prescribe a way in which an abortion is not affected; whereas we can prevent pregnancy by providing pills that ensure that women can take control of their lives.

Through our schools and other community institutions, we can help them become more responsible over their future, and we will not see as many children being aborted or being born into unwed situations where they suffer. We do not; they do. Let us not make them suffer; let us defeat this instruction.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the House again that he requested that Members honor the gavel.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I want to quote from a letter from the National Assembly on School-Based Health Care.

''School-based health care centers represent a partnership between community health care organizations, such as local hospitals, health centers and public health departments, school systems and parents. The programs are designed by the community. The scope of service, including reproductive health, is determined by what health care providers, school officials, parents, and other community members feel is necessary to combat health-compromising behaviors and inadequate and unaffordable access to competent and caring physical and mental health services for school-aged children. The ability to provide these services with public family planning and primary care resources is vital to these few programs. Their ability to offer adolescents needed reproductive health care should not be constrained by Congress. This decision should remain one of local control and oversight.''

And that letter is signed by John Schlitt, Executive Director of the National Assembly on School-Based Health Care, someone certainly to whom we should listen before we take away the right of the parents and the health providers in a community to set up such a clinic.

Mr. Speaker, I am providing the full letter for the RECORD, as follows:

NATIONAL ASSEMBLY
ON SCHOOL-BASED HEALTH CARE,
September 18, 2000.

Hon. NITA M. LOWEY,
U.S. House of Representatives, 2421 Rayburn HOB, Washington, DC.

DEAR REPRESENTATIVE LOWEY: I understand the Helms amendment to the Labor/HHS appropriations bill, which was defeated in conference last month, is resurfacing through a motion by Congressman Coburn to instruct the conferees. I urge you to reject the motion and speak in its opposition.

The National Assembly on School-Based Health Care, which represents the nearly 1200 school health centers across the country, opposes the Helms amendment to the Labor-HHS appropriations bill (S. 6094). The amendment would prohibit the use of federal funds from Section 330 and Title X of the Public Health Services Act, as well as Titles V and XIX of the Social Security Act, to support the distribution of, or prescription for, the emergency contraceptive pill on the premises of elementary and secondary schools.

School-based health centers represent a partnership between community health care organizations (such as local hospitals, health centers and public health departments), school systems, and parents. These programs are designed by the community. The scope of services, including reproductive health, is determined by what health providers, school officials, parents, and other community members feel is necessary to combat health compromising behaviors and inadequate and unaffordable access to competent and caring physical and mental health services for school-aged children and adolescents.

Three in four school-based health centers are prohibited by state and/or local policy from prescribing and dispensing birth control on site. In a very small number of communities, school boards and school health advisory groups, which include parents, have made the decision to offer birth control on site because of troubling teen pregnancy and sexually transmitted disease rates.

The ability to provide these services with public family planning and primary care resources is vital to these few programs. Their ability to offer adolescents needed reproductive health care should not be constrained by Congress. The decision should remain one of local control and oversight.

Thank you for supporting community decision-making.

Sincerely,

JOHN SCHLITT,
Executive Director.

(From the National Assembly on School-Based Health Care—Sept. 2000)

SCHOOL-BASED HEALTH CENTERS AND FAMILY PLANNING

WHAT IS A SCHOOL-BASED HEALTH CENTER, AND HOW IS IT DIFFERENT FROM A SCHOOL NURSE?

School-based health centers are partnerships between community health care organizations, typically a health department, primary care center or hospital, and a school. The services provided in the health center are similar to that which is delivered in standard medical clinics: assessment and screenings, immunizations, diagnostic and treatment services laboratory, well child health supervision, etc. There are an estimated 1200 of these unique health centers in schools across the country.

IS FAMILY PLANNING INCLUDED IN THE SCOPE OF SERVICES?

While the majority of health centers located in middle and high schools provide services such as pregnancy testing (85%), HIV counseling (77%), and STD testing and treatment (73%), services related to birth control are most often contained to counseling. Three in four school-based health centers are prohibited by state law or school policy from dispensing contraception on site.

DO PARENTS PROVIDE CONSENT FOR ACCESS TO SCHOOL-BASED HEALTH CENTERS?

Nearly all (94%) school-based health centers require signed parental consent forms before a student can be seen. Two-thirds of school-based health centers allow parents the option of selecting specific services that their child cannot receive.

DO SCHOOL-BASED HEALTH CENTERS PRACTICE WITHIN ACCORDANCE OF STATE LAWS REGARDING MINORS' ACCESS TO SENSITIVE SERVICES?

One-third of health centers reported to the National Assembly on School-Based Health Care that adolescents may be seen for family planning related services (except contraceptive services where prohibited) without parental consent. This policy is often communicated to the parent through the consent process so that the right of adolescents to confidential services is understood.

DO SCHOOL-BASED HEALTH CENTERS DISPENSE THE MORNING AFTER PILL?

In a survey of school-based health centers, 16% of centers serving adolescents reported that emergency contraception is available on site. This represents approximately 130 school-based health centers, or one-fifth of one percent of schools in this nation.

DO FEDERAL DOLLARS SUPPORT SCHOOL-BASED HEALTH CENTERS?

Federal financial support for school-based health centers comes through Medicaid reimbursement, public health grants through Title V of the Social Security Act, and grants made by the Bureau of Primary Health Care under its Healthy Schools, Healthy Communities initiative.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3 minutes remaining, the gentleman from Illinois (Mr. PORTER) has no time remaining, and the gentleman from Oklahoma (Mr. COBURN) has 11 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise to oppose the very troubling motion to instruct of the gentleman from Oklahoma (Mr. COBURN), which would direct, as my colleagues know, the Labor-HHS conferees to revive the already-rejected ban on emergency contraception in school-based health clinics.

In July, the House-Senate conference rejected this harmful proposal because it endangers teenagers' health and undermines the national effort to reduce unintended teen pregnancies. This ban confuses emergency contraception with abortion. And its attempt to ban abortion pills would instead ban emergency contraception.

I think it is important for our colleagues to understand the difference. ECPs, emergency contraception pills, which are FDA approved ordinary birth control pills, do not cause abortion. They inhibit ovulation, fertilization, or implantation before pregnancy occurs.

School-based health centers provide a private, safe place for teens to access health care services, including contraception and related services. Certainly we would hope that children would engage in abstinence, but they do not always, and that is why I join the American College of Obstetricians and Gynecologists in opposing the Coburn motion.

□ 1800

Mr. OBEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this motion is going to pass by a large vote. I understand that. When the vote comes, I personally am going to vote ''present.''

As some Members have noticed from time to time, I on numerous occasions have voted ''present'' as a matter of protest in order to suggest that the House is dealing with an issue which I believe ought to be dealt with on another level of government. Often that has been the District of Columbia with respect to its own affairs, and on occasion it has been other local units of government. This is another such occasion.

I simply do not think that the same rules apply in a district which is very largely composed of white, middle-class, fairly prosperous, well-knit families and then, in contrast to other districts where you have huge amounts of poverty, childhood neglect, loosely knit families, areas such as the gentlewoman from Connecticut (Mrs. JOHNSON) described where children literally often do not see their parents for days at a time.

And so I think that this matter is best left to local school officials because they are the people on the frontlines trying to weigh the conflicting equities that they so often face not just in schools but in police work and in a number of other areas, as well.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. OBEY. If this motion passes, I want to note, Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following Motion to Instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Department of Education; and to insist on disagreeing with provisions in the Senate amendment which denies the press the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

If we are going to start providing motions to instruct at this late date in the session, then I am going to have a number of motions which I think are germane to the operations of the committee.

The SPEAKER pro tempore (Mr. PEASE). The notice of the gentleman from Wisconsin (Mr. OBEY) will appear in the RECORD.

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

Mr. Speaker, in spite of what the Members of this body might think, the intention of this motion to instruct was not to create havoc in the process as we attempt to go home.

I want to describe my medical practice to all of my colleagues for a minute so they have a perspective. I just heard the ''white, middle-class'' statement; and I think it is very important. Most of my patients are minorities. Most of them only have one parent. And let me tell my colleagues, every one of those parents want to know what is going on with their kids in school. And the assumption, the racial implication that if they happen to be a single mom and they have a child that gets in trouble that they do not want to know as much as everybody else is absurd and wrong and implies an absolute lack of knowledge about what is going on in this country with that valuable segment of our population. So I want to set that aside.

The other thing is I want to tell my colleagues a story, one of the reasons I offered this amendment. I was in a town hall meeting in the southeast portion of my district. A 38-year-old father came in, and I have never seen anybody so mad in my life. I was the object of his rage, because his 12-year-old daughter had just shown him what she had been given at a clinic, 12 years old, no knowledge. She was given Preven. In case she needed it at some future time, she was given a bag of condoms. She was given noxonol nine. And she was given oral contraceptives. No exam, no instruction sheet on how to use them, but she was given them.

Mr. Speaker, what the father was mad about is that somebody would dare be able to invade on the rights of his child and her health care without him knowing about it. And in front of 50 people, he stood there balling, to say what has happened to our country that parents are last? We heard about local control. What about parent control? What about putting the parents back in charge?

We cannot take an aspirin at a school without a permission slip. If their child has an antibiotic, they have to have permission to give that child his antibiotic at the school. We are so wrong-headed and so out of sync in terms of the priorities for our children in this country it is not a wonder that we are having difficulty with these issues.

The third point I want to make: we have had title X clinics for 25 years in this country. We have been teaching safe sex for 25 years. We are the highest nation in the world in sexually transmitted diseases. Nobody comes close to us. We will have 15 million new cases of sexually transmitted disease this year of which 9 million are incurable, 9 million in which the methods that we teach at our title X safe-sex clinics will

not protect our children from. But we are going to dig our heads in the sand, and we are going to ignore it.

The number one cause of cervical cancer is one of them. We now know that one of those is involved with prostate cancer, the number two cancer with men. But we are going to ignore that. We are going to keep doing the same thing. We are going to dumb down to the level of the lowest possible explanation and rationalize that that is the way to treat our children.

It is not good enough. No wonder our kids are failing. We are not expecting enough of them. We are looking the wrong direction.

There is no reason for a parent never to be involved unless incest is involved. And then, in every State in this country, it is a law that they have to notify the authorities. Otherwise they go to jail if they do not notify the authorities.

This has nothing to do with school-based clinics. This has everything to do with parents, re-empowering parents.

The final point that I would make that my colleagues consider is that every one of us has told a lie; and when we finally get past that lie and tell the truth, every one of us feels good about it. When we confess that lie, there is a great feeling. It is liberating. We have told the truth, that burden we are carrying.

When we enable our children to be deceptive, we lessen their potential for the future. We should not be involved in that. We should be enabling them to reconcile with their parents, not become deceptive partners in alienating the children from their parents.

For goodness sakes, let us really think about children.

I know we are going to have the debate on abortion and pro-life; but as we solve this problem, let us empower parents to do the right thing, let us encourage the positive and discourage the negative, let us go for reconciliation between children and parents.

Mr. MOORE. Mr. Speaker, I rise today to express to my colleagues my great concern with this motion to instruct conferees.

First, it should be clear that this motion is about contraception, not abortion. Like other contraceptives, emergency contraception can prevent—but not terminate—a pregnancy. Access to contraception can be a vital part of local efforts to reduce unintended pregnancy and reduce the number of abortions—a goal shared by members on both sides of the aisle.

Second, this motion restricts the decision of local leaders. School-based clinics vary greatly across the country, and the services that they provide reflect community standards, reflected by local advisory boards made up of parents, young adults, community representatives and youth family organizations.

Emergency contraception may not be an appropriate or advisable option for many schoolbased clinics. It may be, however, both necessary and appropriate for some clinics and some communities. For many low-income, uninsured students, school-based health clinics provide their only access to necessary health care. Restricting contraceptive options only for these low-income students is wrong.

Mr. Speaker, I am ashamed to say that our country has more unintended teen pregnancies than any other industrialized country in the world. I challenge my colleagues to reject election-year politics and work with me toward policies that prevent unintended pregnancies before the morning after.

As for me, I will redouble my efforts to help our kids and their parents get the information they need about the consequences and costs of unintended pregnancy and the benefits of abstinence, good reproductive health and smart choices.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise in support of this motion to instruct conferees. It is not the business of the federal government to provide any form of birth control to minors. Furthermore, to do this without parental consent and involvement is especially egregious.

When Senator HELMS asked the Congressional Research Service to investigate whether "Morning-After" pills were distributed to minors at school clinics, CRS found that 180 schools did precisely this.

Mr. Speaker, this is unacceptable, violative of parental rights, and immoral.

It is always instructive to closely examine the rhetoric of the pro-abortion movement. And make no mistake, the pro-abortion movement supports providing the "Morning-After" pill to minors through school based clinics.

So, lets examine their rhetoric. The "Morning-After" pill often can result in causing an abortion of a human child in its earliest stages. Yet, the pro-abortion side will consistently argue that this is not an abortion. They will claim that this is just normal birth control. What hogwash.

Anyone can tell you that "birth control" occurs before a baby is conceived. Otherwise we would happily call abortion "birth control." It's not. It never has been. And, it never will be.

Mr. Speaker, our Founders saw fit to say that government exists to secure "life, liberty, and the pursuit of happiness" for its citizens. Let us not execute the smallest of our citizens by providing these misnamed abortifacient pills to our minors.

Vote "yes" on the motion to instruct conferees.

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

The SPEAKER pro tempore (Mrs. WILSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Madam 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 250, nays 170, answered "present" 1, not voting 12, as follows:

[Roll No. 481]

YEAS—250

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Myrick
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer

Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gibbons
Gilman
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kuykendall
Lantos
Larson
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—12

Campbell
Dooley
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
McNulty
Murtha
Nethercutt
Vento
Wise

□ 1832

Ms. RIVERS, Mr. GIBBONS, and Mr. DINGELL changed their vote from ''yea'' to ''nay.''

Mr. POMEROY and Mrs. FOWLER changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3986, ENGINEERING FEASIBILITY STUDY OF WATER EXCHANGE IN LIEU OF ELECTRIFICATION OF CHANDLER PUMPING PLANT AT PROSSER DIVERSION DAM, WASHINGTON

Mr. HASTINGS of Washington (during consideration of the motion to instruct conferees on H.R. 4577), from the Committee on Rules, submitted a privileged report (Rept. No. 106–866) on the resolution (H. Res. 581) providing for consideration of the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4945, SMALL BUSINESS COMPETITION PRESERVATION ACT OF 2000

Mr. HASTINGS of Washington (during consideration of the motion to instruct conferees on H.R. 4577), from the Committee on Rules, submitted a privileged report (Rept. No. 106–867) on the resolution (H. Res. 582) providing for consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4213

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 4213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CHINESE GOVERNMENT IMPRISONS 80-YEAR-OLD CATHOLIC BISHOP

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

Mr. WOLF. Mr. Speaker, I rise today after reading today's editorial from the Washington Post titled ''Catholic 'Criminals' in China,'' that describes how the Chinese Government has rearrested an 81-year-old Roman Catholic bishop, Bishop Zeng. Here is a picture of Bishop Zeng in prison garb. And the Senate today is ready to grant MFN to China.

The bishop has spent most of his life in a Chinese prison, imprisoned through labor camps. He was imprisoned in 1958, was let out of jail for 1 month, then rearrested and imprisoned until 1991. In 1996, in his late 70s, he was rearrested again and put in a forced labor camp. Imagine being in a forced labor camp at 70 and 80 years of age.

A Chinese leader affiliated with the Chinese Government's recent public relations blitz said, ''American voters should get to know us.'' Indeed, American people, this Congress, the Clinton administration and the next administration must know the true character of the Chinese Government is one that throws 80-year-old Catholic bishops into forced labor camps.

Does anyone in the Clinton administration care? Does the Congress care? Does anyone care?

[From the Washington Post, Sept. 9, 2000]

CATHOLIC 'CRIMINALS' IN CHINA

The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu. The Cardinal Kung Foundation, a U.S.-based advocate for the Roman Catholic Church and its estimated 10 million followers in China, reports that Bishop Zeng was nabbed last Thursday. An embassy spokesman here said he couldn't comment. This wouldn't be a first for this apparently dangerous cleric. He was imprisoned for a quarter-century beginning in 1958. In 1983, the Communists let him out—for one month. Then they jailed him for another eight years, until 1991. In 1996—at the age of 76—he was sentenced to three years of forced labor and reeducation. When he was released with six months still to run on that sentence, in 1998, the Clinton administration trumpeted the news as ''further evidence that the president's policy of engagement works.'' The fatuousness of that statement must be especially clear to the bishop from his current jail cell.

Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer. He refuses to submit to Communist atheism or to the control of the Catholic Patriotic Association, an alternative ''church'' created by the regime that does not recognize the primacy of the pope. China's government is willing to tolerate some religious expression as long as it is dictated by the government. Anyone who will not submit—whether spiritual movements such as Falun Gong, evangelical Protestant churches, Tibetan monasteries or the real Catholic Church—is subject to ''repression and abuse,'' the State Department said in its recent report on international religious freedom. The admirably straightforward report noted that respect for religious freedom ''deteriorated markedly'' in China during the past year. ''Some places of worship were destroyed,'' it said. ''Leaders of unauthorized groups are often the targets of harassment, interrogations, detention and physical abuse.''

Bishop Zeng is a man of uncommon courage, but his fate in China is sadly common. Three days before his arrest, Father Ye Gong Feng, 82, was arrested and ''tortured to unconsciousness,'' the Cardinal Kung Foundation reports. It took 70 policemen to perform that operation. Father Lin Rengui of Fujian province ''was beaten so savagely that he vomited blood.'' Thousands of Falun Gong practitioners have been arrested during the past year; the State Department cites ''credible reports'' that at least 24 have died while in police custody.

Last month the Chinese government launched a public relations mission to the United States, dispatching exhibits, performers and lecturers—on the subject of religious freedom, among others—on a three-week charm offensive. ''American voters should get to know us,'' said the Chinese functionary in charge. The U.S. ambassador to China, Joseph Prueher, appeared at a

joint new conference announcing the mission, and a number of U.S. business executives—from Boeing, Time Warner and elsewhere—happily sponsored it. We have nothing against goodwill cultural exchanges, but Chinese and American officials should not delude themselves that U.S. suspicions are caused chiefly by prejudice or lack of understanding. On the contrary, Americans understand just fine what kind of government throws 81-year-old clerics into jail.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. WILSON). 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.

CHINESE GOVERNMENT JAILED ZENG JINGMU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, last week, as the other body was beginning its final dash toward passage of the China trade deal, the Chinese Government jailed yet another dangerous agitator, his name is Zeng Jingmu. He is 81 years of age. He is a Catholic bishop, and it is not the first time Bishop Zeng has been jailed.

He was first imprisoned 42 years ago. In 1983, he was set free for about 30 days. Then they sent him to prison for 8 more years. In 1996, he was imprisoned once again, and he was sentenced to 3 years of forced labor.

At the time, Bishop Zeng was 76 years of age.

Why does the Chinese Government feel such bitter enmity toward the bishop? What crime did this 81-year-old man commit? Teaching the gospel.

Madam Speaker, none of this should come as a surprise to us. A special commission appointed by the White House and this Congress found that religious persecution is business as usual in today's China.

Over the course of this year's trade debate, advocates of normalizing trade with China repeatedly claimed it would strengthen the cause for human rights. But the jailing of Bishop Zeng tells us that if expanding trade improves human rights, someone forgot to tell the Chinese Government.

In this Capitol, the citadel of liberty, we talk a lot about the rule of law, and we talk a lot about freedom, Madam Speaker. Yet when the topic turns to China, it seems the only law that matters is the law of supply and demand, and the only freedom that counts is the freedom to make a quick buck.

Today an 81-year-old priest sits in a Chinese prison cell, and I know that God will hear his prayers, I only ask why this government cannot.

REDUCING NATIONAL DEBT AND ANNUAL INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, this Nation can reduce our national debt by $600 billion and reduce our annual interest payments by $30 billion with no harm to anyone nor to any program. That sounds too good to be true, but it is true.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in great savings for the people. We really can cut the national debt by $600 billion and reduce our Federal interest payments by $30 billion a year. How? By merely issuing our own United States Treasury currency.

It is an undisputable fact that the Federal Reserve notes, that is, our circulating currency today, are issued by the Federal Reserve in response to interest-bearing debt instruments. Thus we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that ''back'' our paper money, the Federal Reserve notes. This unnecessary cost is about $100 per person per year in our country.

Why are our citizens paying $100 per person each year to rent the Federal Reserve's paper money when the United States Treasury could issue the paper money exactly as it issues our coins? The coins are minted by the Treasury and essentially sent into circulation at face value. The Treasury will make a profit of $880 million this year from the issue of 1 billion new gold-colored dollar coins.

If we use the same method of issue for our paper money as we do for our coins, the Treasury would realize a profit on the bills sufficient to reduce the national debt by $600 billion and reduce annual interest payments by $30 billion. Federal Reserve notes are officially liabilities of the Federal Reserve, and over $600 billion in U.S. bonds is held by the Federal Reserve as backing for these notes.

The Federal Reserve collects interest on these bonds from the U.S. Government and then returns most of it to the U.S. Treasury. So it is a tax on our money that goes to the United States Treasury, a tax on our money in circulation.

There is a simple and inexpensive way to convert this costly, illogical, convoluted system to a logical system, which pays no interest directly or indirectly on our money in circulation. Congress simply needs to pass a law requiring the Nation's Treasury to print and issue United States currency in the same denominations and in the same amounts as the present Federal Reserve notes. Because the new U.S. currency would be issued into circulation through the banks to replace or in exchange for the Federal Reserve notes, there would be no change in the money supply.

The plan would remove the liability of the Federal Reserve by returning to the Fed, the Federal Reserve notes in exchange for the $600 billion in interest-bearing bonds now held by the Fed, thus reducing the national debt by $600 billion.

The Nation would thus have a circulating currency, the United States Treasury currency, or U.S. notes, bearing neither debt nor interest.

The national debt would be reduced by $600 billion and annual interest payments reduced by over $30 billion. The easiest way we can save our taxpayers $30 billion each year is to issue our own U.S. Treasury money.

□ 1845

HONORING THE MEMORY OF BILL ASKEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BLUNT) is recognized for 5 minutes.

Mr. BLUNT. Madam Speaker, I rise today to honor the memory and the life of Reverend William F. Askew, a man whose life touched so many in southwest Missouri and around the world because of his dedication to serving others.

In World War II, the Marine Corps taught him that duty, honor, country was more than a motto. It was a commitment to the ideas that he instilled in others as a drill sergeant and a commitment that followed him all his days.

Coming back from the war and beginning a career in civilian commercial radio, he accepted Christ; and his faith became the driving center of his life. Service to others was natural for Bill Askew. He was a founding pastor of the Arlington Heights Baptist Church in Jacksonville, Florida; but he also found time to serve as the chaplain of the Duval County Fire Department. He sought opportunities to serve the spiritual and emotional needs of firemen from around Florida and the victims of the fires they fought.

Service to others was his focus when he moved his wife, Doris, and seven of their nine children to Springfield, Missouri, in 1968, to help found the area's first Christian radio station. He served as general manager of KWFC serving portions of four States until his death last week.

Despite the responsibilities he faced in running a radio station, he also committed to serving residents of northern Greene County as the pastor of the Noble Hill Baptist Church, often traveling back roads to meet the needs of a large rural area as well as those of the surrounding communities.

Service was the keynote of his life, whether he was helping form the North

Springfield Betterment Association or teaching classes at Baptist Bible College. Bill, or ''Mr. A'' as many of his friends called him, was dedicated to making a difference in the lives of those he served. Some of those now serve as missionaries, as business leaders, government officials; and they reflect his inspiration for their lives. He was a confidant, a mentor, an advisor, a friend to so many; and he often did it with so little fanfare.

Bill Askew was a family man. Even though he gave much to others, he was happiest when surrounded by his children, his grandchildren and his great grandchildren. He shared their joys and comforted their pain.

Madam Speaker, with his passing, southwest Missouri has lost a great spiritual and civic leader, a friend and a guiding force for many in our community. I ask that God bless him and his family as we share in their loss.

THE VETERANS ORAL HISTORY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, Abraham Lincoln, during his address at Gettysburg, stated that the world will little note, nor long remember what we say here, but it can never forget what they did here. Inspired by those words, as well as the words from countless number of veterans back in my own congressional district and across the country, I was motivated to draft and also introduce today, with my friend and colleague, the gentleman from New York (Mr. HOUGHTON), the Veterans Oral History Project, which will direct the Library of Congress to establish a national archives for the collection and preservation of our veterans' oral history through videotape testimony.

Now that we have the technological means to do so, I think this is a worthwhile investment for this country to make. It would be a gift from our veterans which will keep on giving not only today but tomorrow, and God willing, for generations and centuries to come.

There is a sense of urgency in introducing this bill which has, I am pleased to report, received wide bipartisan support, with a majority of the Members in the House of Representatives willing to be original sponsors of this legislation. Senator MAX CLELAND will be introducing the bill in the United States Senate this week as well.

There is a sense of urgency, given the fact that we have roughly 19 million veterans still living in this country today, of which 3,400 are from the First World War, roughly 6 million are still living from the Second World War and they are passing away by a rate of roughly 1,500 a day.

If we are to truly honor our veterans, then I think this Nation needs to make every conceivable effort to try to preserve their memory.

I am struck by the number of people who I have encountered who have regrets today because they did not take out the family video camera and videotape their grandmother or grandparent or father or mother and talk to them about their years of serving our country and some of the great conflicts that we went through as a Nation during the course of the 20th century.

I envision now, with this project, with the cooperation of a lot of people across the country, including family members, friends, neighbors, the VFW and American Legion halls, school students, class projects, who could go out and interview these veterans on videotape, I envision that a child in the 21st or 22nd century will be able to call up on the Internet the testimony of their great, great, great, grandfather or grandmother and in their own words listen to their experience during the Second World War or Korea or Vietnam or the Gulf War, for instance.

This is something that we can do with relative ease. The Library of Congress is already involved in a similar type of project with the American Folk Life Center where they are videotaping community leaders around the country as to how they would like their communities to be remembered 100 or 200 years from now. They are also engaged on a comprehensive project to digitize the information that they are collecting; and what this project would call for is for the Library of Congress and the talent and expertise that they have there to index the videotape and digitize that and make it available to families and to anyone who wants access to this very important piece of our Nation's history.

When I have been working on this project, I have had a chance to think of many of the veterans who I have encountered back home, people like Glenn Averbeck, from my congressional district who served in Korea and was part of the occupation force in Japan after the Second World War. I think of Don Bruns, a former POW during the Second World War. One story Don likes to tell is when he bailed out of a shrapnel-ridden B17 over the skies of Germany and he landed in a patch of kohlrabi. To this day, he cannot stand the sight or smell of that vegetable; but there is more to Don's story as he tells of the days of hunger in the stalag, days of boredom, days of anxiety and days when his captured comrades drifted towards insanity waiting for the day when they would be liberated or the day when they would escape.

These are the stories that we need to capture, in Don's words, and preserve for history's sake.

When I talk about the Veterans Oral History Project, I think of William Ehernman, a World War II vet shot down in the Pacific. William tells of flying cover for PT boats in the Pacific, including flying cover for one young commander, a Naval officer by the name of John F. Kennedy. I also think of Golden Barritt, a World War I veteran from my district who died just last summer. It is a shame that we did not get Golden's oral history from the Great War. He almost reached his 100 birthday, and just last year he received a medal from the government of France for his participation in the First World War.

I also think of my father, who I did get a chance to videotape who served in the Army; my uncle who served during the Second World War; and also my younger brother who recently served during the Gulf War.

So I am encouraged by the bipartisan support that many of my colleagues have given for this legislation, and I would encourage this House to move the legislation quickly since time is of the essence.

THE HIGH PRICE OF GASOLINE DUE TO TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the top headline in the Washington Post late last week said: ''Oil Prices Hit Ten Year High.'' Yet, as I drove into work this morning, the CBS Radio National News reported that oil prices had gone up another 90 cents a barrel.

In last Friday's Washington Times, a column in the editorial commentary pages carried the headline, ''Gassed and Going Up.''

This column, written by two economists, said taxes take 43 cents of every gallon and that Federal regulations add great additional costs and have prevented any new refinery from being built for 25 years. They wrote, quote, ''The economy will suffer if the price of oil remains high. Our analysis shows that high oil prices will cost the average family of four more than $1,300; decrease consumer spending by nearly $80 billion and cost almost 500,000 jobs,'' unquote.

Last Friday night on the CNN Moneyline program, one leading stock analyst said higher oil prices are leading us into a recession and much lower stock prices. The stock market fell 278 points Friday and Monday, mainly due to fears about higher oil prices.

One of the things I do in the House is chair the Subcommittee on Aviation. A few months ago, the Air Transport Association told me that each one penny increase in jet fuel costs the airlines $200 million.

Last week, the Christian Science Monitor newspaper had a front page story about protests and some near

riots in Britain and throughout Europe over high gas prices.

Sometimes we are told that we are lucky because we are paying much less for gas than the Europeans. Well, the reason is that our socialism is not as far along as theirs is. In Europe, taxes make up as much as 80 percent of the cost of gas. They pay the same world oil price as we do. They simply have more big government than we do, and we have too much.

Other segments of our economy will be hurt badly besides aviation if these oil prices go up even more, as is being predicted. Truckers are already feeling the pinch and are leading the protests in Europe. Agriculture and tourism and those who heat their homes with home heating oil will be greatly affected.

Who do we have to thank for this situation? Well, in this country those who like higher gas prices should write the White House and thank the President. The President vetoed legislation in 1995 which would have allowed production of oil in one tiny 2,000 to 3,000-acre part of the coastal plain of Alaska. The U.S. Geologic Survey has said there is approximately 16 to 19 billion barrels of oil there, equal to 30 years of Saudi oil. The President also signed an executive order placing 80 percent of the U.S. outercontinental shelf off-limits for oil production, and this is billions more barrels.

I heard on the radio last week that oil is the most plentiful liquid in the world after saltwater. Even with increased usage, we have hundreds of years worth of oil available. Yet because this administration is controlled by wealthy environmental extremists, we cannot produce more oil in this country. The environmentalists even want gas to go much higher so everyone but them will have to drive less.

They do not seem to care that the people they hurt the most are lower-income and working families. Most environmental extremists seem to come from wealthy families who are not hurt when prices go up and jobs are destroyed. Then, too, some of these environmental groups probably receive big contributions from the oil companies, the shipping companies, the OPEC countries and others who get rich if we do not produce more U.S. oil.

Due to EPA and other Federal regulations, I am told that 36 U.S. oil refineries have closed just since 1980. Because this administration is held captive by environmental extremists, our present oil policy consists of nothing more than to beg the OPEC countries.

Well, we need to do more than beg. We endanger not only our own economy but also our national security by being too dependent on foreign oil. The price of oil could be reduced dramatically if the President would tell OPEC that we are going to produce more oil domestically and really mean it. He needs also to tell the OPEC countries that their foreign aid will be ended if they continue to gouge us on oil prices. I have co-sponsored the bill of the gentleman from New Jersey (Mr. SAXTON) to cut off IMF loans to OPEC countries which raise their oil prices, but the liberals in Congress will probably not let us pass this bill.

Begging OPEC will get us nowhere. We need strong leadership, Madam Speaker, from the White House; but we will not get it. We also need to wake up and realize that the Sierra Club and some of these other environmental groups have now gone so far to the left that they make even socialists look conservative.

HOW MUCH IS ENOUGH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, how much is enough? The buzz in Washington is that the President is spoiling for one last fight with Congress over the budget. In fact, White House aides have practically encouraged suspicion that they would like a government shutdown to embarrass Republicans and boost Democratic prospects in the upcoming elections. Rumors of a government shutdown are greatly exaggerated. Congressional leaders are working in good faith to ensure principled compromise with the President on a budget that serves the national interest.

Under our proposal, over $600 billion of publicly held debt would be paid down by the end of next year. It would be eliminated by the year 2013. Of course, reduced debt means lower interest rates on credit cards and home mortgages for millions of American families.

The GOP debt reduction plan would also save an average of $4,064 for every American household in lower interest rates over the next 10 years. Since early last year, Congress has made its spending priorities very clear. As a member of the House Committee on the Budget, I helped craft a budget for next year in which Federal spending would grow at a rate slower than the average family budget. This budget passed the House and Senate. It serves as the blueprint for congressional spending bills this year.

The President, on the other hand, will not say just how many billions of dollars he wants to spend. He submitted one plan in January, which was soundly rejected even by members of his own party. Speaking for congressional Democrats during the debate on the President's proposal earlier this year, the gentleman from Massachusetts (Mr. MOAKLEY), a Democratic, confessed on the House floor, and I quote, ''We did not propose the President's budget. We do not want any part of the President's budget,'' closed quote.

□ 1900

Indeed. The House Democrats offered four substitute budget plans this year. Not one of them was the President's budget plan. It never even got a vote.

Since that time, the President's spending plans have been a moving target. He is currently asking for between $20 billion and $30 billion more than he asked for in January, though he cannot say how much or exactly what he needs it for. If we cannot move forward on lowering and simplifying taxes, let us at least not go backwards on spending. A balanced budget with the surplus devoted largely to paying down debt would make perfect sense under these circumstances.

Last week, in an effort to reach agreement on total spending, congressional leaders went to the White House to propose reserving 90 percent of next year's surplus for reducing the national debt. This compromise would provide some limited room for additional spending, while paying down billions more dollars of the Federal debt and keeping a lid on Federal spending.

This should have been an attractive idea to the President. He claimed in the last few weeks that fidelity to the national debt caused him to veto the bills eliminating the marriage tax penalty and the death tax which Congress sent to the White House. But, the President seems decidedly cool toward the 90 percent debt reduction plan. Quote: ''Whether we can do it,'' that is, use 90 percent of the surplus to pay down debt ''depends on what the various spending commitments are,'' the President said earlier to the New York Times.

So let us be clear. When presented with a choice of more spending or paying down the national debt, the President chose more spending.

Ultimately, the budget debate comes down to a very simple question: how much is enough? I believe that $1.68 trillion should be more than enough to fund the legitimate needs of the Federal Government. Unfortunately, it is still not clear how much more the President thinks is necessary. Congress is committed to working in good faith with the President to reach a reasonable budget compromise. The question is, is he?

TRIBUTE TO SENATOR LAUTENBERG

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, it is an honor to rise today to join the New Jersey congressional delegation and my colleagues in paying tribute to Senator FRANK LAUTENBERG. This legislation which we passed earlier in the day

to name the post office and courthouse at Federal Square in Newark after the Senator is just one small way to honor a man who has done so much for New Jersey and the Nation. I will be delighted to support it and I am pleased to see the House take it up.

FRANK LAUTENBERG, born into an immigrant family residing in Paterson, New Jersey, FRANK and his family dealt with numerous obstacles and struggles that were common experiences for many Americans during the 1920s. After moving from city to city, the LAUTENBERGs and LAUTENBERG's father found work at the renowned silk mills in Paterson. His father was soon able to eke out a living to support his family. Sadly, just as FRANK was on the brink of manhood, he lost his father to cancer.

Upon his graduation from Nutley High School, FRANK LAUTENBERG enlisted and served in the Army's Signal Corps in Europe during World War II. After serving his country, he attended the prestigious Columbia University on the GI Bill where he studied economics.

With his eyes set on the innovations of the future, LAUTENBERG, accompanied by two childhood friends, founded Automatic Data Processing, a payroll services company. ADP quickly rose up the ladder of business and emerged as one of the world's largest computing service companies with over 33,000 people on its payroll.

Since his election to the Senate in 1982, FRANK LAUTENBERG has given back to the State of New Jersey and our Nation throughout his senatorial career. By writing laws that established age 21 as the national drinking age, by banning smoking on airplanes and forbidding domestic violence abusers from owning guns, LAUTENBERG insured the health and security of our families.

As a strong environmental leader, FRANK LAUTENBERG sought to protect all aspects of our beautiful environment, mainly through the Superfund program to clean up toxic waste sites, the clean air and safe drinking water acts, and the Pets on Planes acts. With the best interests of New Jersey and New Jersey's beaches in mind, FRANK LAUTENBERG wrote legislation that would ban ocean dumping of sewage, rid our beaches of garbage, control medical waste, and stop oil drilling off our famed Jersey shore.

Standing as an example of an American success story, FRANK LAUTENBERG has dedicated 18 years of his career to public service here in the United States Capitol and in New Jersey. And, despite his retirement, Senator LAUTENBERG will always be remembered for his many contributions made to better the lives of millions of Americans. I am sure he will continue to dedicate himself to improving lives, to healing the world.

On a more personal note, no one has done more to help me as a new member of the New Jersey congressional delegation than Senator FRANK LAUTENBERG. His advice, guidance and assistance are things that I will always remember with gratitude.

CONFERENCE REPORT ON H.R. 4919, DEFENSE AND SECURITY ASSISTANCE ACT OF 2000

Mr. GOODLING submitted the following conference report and statement on the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–868)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4919), to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Security Assistance Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

Sec. 101. Authorization of appropriations.
Sec. 102. Requirements relating to country exemptions for licensing of defense items for export to foreign countries.

Subtitle B—Stockpiling of Defense Articles for Foreign Countries

Sec. 111. Additions to United States war reserve stockpiles for allies.
Sec. 112. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.

Subtitle C—Other Assistance

Sec. 121. Defense drawdown special authorities.
Sec. 122. Increased authority for the transport of excess defense articles.

TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 201. Authorization of appropriations.
Sec. 202. Additional requirements.

TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Sec. 301. Nonproliferation and export control assistance.
Sec. 302. Nonproliferation and export control training in the United States.
Sec. 303. Science and technology centers.
Sec. 304. Trial transit program.
Sec. 305. Exception to authority to conduct inspections under the Chemical Weapons Convention Implementation Act of 1998.

TITLE IV—ANTITERRORISM ASSISTANCE

Sec. 401. Authorization of appropriations.

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

Subtitle A—Establishment of a National Security Assistance Strategy

Sec. 501. National Security Assistance Strategy.

Subtitle B—Allocations for Certain Countries

Sec. 511. Security assistance for new NATO members.
Sec. 512. Increased training assistance for Greece and Turkey.
Sec. 513. Assistance for Israel.
Sec. 514. Assistance for Egypt.
Sec. 515. Security assistance for certain countries.
Sec. 516. Border security and territorial independence.

TITLE VI—TRANSFERS OF NAVAL VESSELS

Sec. 601. Authority to transfer naval vessels to certain foreign countries.
Sec. 602. Inapplicability of aggregate annual limitation on value of transferred excess defense articles.
Sec. 603. Costs of transfers.
Sec. 604. Conditions relating to combined lease-sale transfers.
Sec. 605. Funding of certain costs of transfers.
Sec. 606. Repair and refurbishment in United States shipyards.
Sec. 607. Sense of Congress regarding transfer of naval vessels on a grant basis.
Sec. 608. Expiration of authority.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Utilization of defense articles and defense services.
Sec. 702. Annual military assistance report.
Sec. 703. Report on government-to-government arms sales end-use monitoring program.
Sec. 704. MTCR report transmittals.
Sec. 705. Stinger missiles in the Persian Gulf region.
Sec. 706. Sense of Congress regarding excess defense articles.
Sec. 707. Excess defense articles for Mongolia.
Sec. 708. Space cooperation with Russian persons.
Sec. 709. Sense of Congress relating to military equipment for the Philippines.
Sec. 710. Waiver of certain costs.

SEC. 2. DEFINITION.

In this Act, the term ''appropriate committees of Congress'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

TITLE I—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $3,550,000,000 for fiscal year 2001 and $3,627,000,000 for fiscal year 2002.

SEC. 102. REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.

(a) REQUIREMENTS OF EXEMPTION.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

''(j) REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.—

''(1) REQUIREMENT FOR BILATERAL AGREEMENT.—

''(A) IN GENERAL.—The President may utilize the regulatory or other authority pursuant to this Act to exempt a foreign country from the licensing requirements of this Act with respect to exports of defense items only if the United States Government has concluded a binding bilateral agreement with the foreign country. Such agreement shall—

''(i) meet the requirements set forth in paragraph (2); and

''(ii) be implemented by the United States and the foreign country in a manner that is legally-binding under their domestic laws.

''(B) EXCEPTION.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

''(2) REQUIREMENTS OF BILATERAL AGREEMENT.—A bilateral agreement referred to paragraph (1)—

''(A) shall, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy requiring—

''(i) conditions on the handling of all United States-origin defense items exported to the foreign country, including prior written United States Government approval for any reexports to third countries;

''(ii) end-use and retransfer control commitments, including securing binding end-use and retransfer control commitments from all end-users, including such documentation as is needed in order to ensure compliance and enforcement, with respect to such United States-origin defense items;

''(iii) establishment of a procedure comparable to a 'watchlist' (if such a watchlist does not exist) and full cooperation with United States Government law enforcement agencies to allow for sharing of export and import documentation and background information on foreign businesses and individuals employed by or otherwise connected to those businesses; and

''(iv) establishment of a list of controlled defense items to ensure coverage of those items to be exported under the exemption; and

''(B) should, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

''(i) controls on the export of tangible or intangible technology, including via fax, phone, and electronic media;

''(ii) appropriate controls on unclassified information relating to defense items exported to foreign nationals;

''(iii) controls on international arms trafficking and brokering;

''(iv) cooperation with United States Government agencies, including intelligence agencies, to combat efforts by third countries to acquire defense items, the export of which to such countries would not be authorized pursuant to the export control regimes of the foreign country and the United States; and

''(v) violations of export control laws, and penalties for such violations.

''(3) ADVANCE CERTIFICATION.—Not less than 30 days before authorizing an exemption for a foreign country from the licensing requirements of this Act for the export of defense items, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

''(A) the United States has entered into a bilateral agreement with that foreign country satisfying all requirements set forth in paragraph (2);

''(B) the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement with the United States; and

''(C) the appropriate congressional committees will continue to receive notifications pursuant to the authorities, procedures, and practices of section 36 of this Act for defense exports to a foreign country to which that section would apply and without regard to any form of defense export licensing exemption otherwise available for that country.

''(4) DEFINITIONS.—In this section:

''(A) DEFENSE ITEMS.—The term 'defense items' means defense articles, defense services, and related technical data.

''(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(i) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(ii) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

(b) NOTIFICATION OF EXEMPTION.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended—

(1) by inserting ''(1)'' after ''(f)''; and

(2) by adding at the end the following:

''(2) The President may not authorize an exemption for a foreign country from the licensing requirements of this Act for the export of defense items under subsection (j) or any other provision of this Act until 30 days after the date on which the President has transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that includes—

''(A) a description of the scope of the exemption, including a detailed summary of the defense articles, defense services, and related technical data covered by the exemption; and

''(B) a determination by the Attorney General that the bilateral agreement concluded under subsection (j) requires the compilation and maintenance of sufficient documentation relating to the export of United States defense articles, defense services, and related technical data to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated United States defense items.

''(3) Paragraph (2) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.''.

(c) EXPORTS OF COMMERCIAL COMMUNICATIONS SATELLITES.—

(1) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—Section 36(c)(2) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)) is amended—

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

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and''.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the appropriate committees of Congress and the appropriate agencies of the United States Government should review the commodity jurisdiction of United States commercial communications satellites.

(d) SENSE OF CONGRESS ON SUBMISSION TO THE SENATE OF CERTAIN AGREEMENTS AS TREATIES.—It is the sense of Congress that, prior to amending the International Traffic in Arms Regulations, the Secretary of State should consult with the appropriate committees of Congress for the purpose of determining whether certain agreements regarding defense trade with the United Kingdom and Australia should be submitted to the Senate as treaties.

Subtitle B—Stockpiling of Defense Articles for Foreign Countries

SEC. 111. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

''(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for fiscal year 2001.

''(B) Of the amount specified in subparagraph (A), not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.''.

SEC. 112. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS TO ISRAEL.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) ITEMS COVERED.—The items referred to in paragraph (1) are munitions, equipment, and material such as armor, artillery, automatic weapons ammunition, and missiles that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of the enactment of this Act, are located in a stockpile in Israel.

(b) CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section 3 years after the date of the enactment of this Act.

Subtitle C—Other Assistance

SEC. 121. DEFENSE DRAWDOWN SPECIAL AUTHORITIES.

(a) EMERGENCY DRAWDOWN.—Section 506(a)(2)(B) of the Foreign Assistance Act of

1961 (22 U.S.C. 2318(a)(2)(B)) is amended by striking ''$150,000,000'' and inserting ''$200,000,000''.

(b) ADDITIONAL DRAWDOWN.—Section 506(a)(2)(A)(i) of such Act (22 U.S.C. 2318(a)(2)(A)(i)) is amended—

(1) by striking ''or'' at the end of subclause (II); and

(2) by striking subclause (III) and inserting the following:

''(III) chapter 8 of part II (relating to antiterrorism assistance);

''(IV) chapter 9 of part II (relating to nonproliferation assistance); or

''(V) the Migration and Refugee Assistance Act of 1962; or''.

SEC. 122. INCREASED AUTHORITY FOR THE TRANSPORT OF EXCESS DEFENSE ARTICLES.

Section 516(e)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(2)(C)) is amended by striking ''25,000'' and inserting ''50,000''.

TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President $55,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

SEC. 202. ADDITIONAL REQUIREMENTS.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new sections:

''SEC. 547. CONSULTATION REQUIREMENT.

''The selection of foreign personnel for training under this chapter shall be made in consultation with the United States defense attache to the relevant country.

''SEC. 548. RECORDS REGARDING FOREIGN PARTICIPANTS.

''In order to contribute most effectively to the development of military professionalism in foreign countries, the Secretary of Defense shall develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this chapter after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether such instruction was completed successfully, and, to the extent practicable, a record of the person's subsequent military or defense ministry career and current position and location.''.

TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

SEC. 301. NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new chapter:

''CHAPTER 9—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

''SEC. 581. PURPOSES.

''The purposes of assistance under this chapter are to halt the proliferation of nuclear, chemical, and biological weapons, and conventional weaponry, through support of activities designed—

''(1) to enhance the nonproliferation and export control capabilities of friendly countries by providing training and equipment to detect, deter, monitor, interdict, and counter proliferation;

''(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of vital national security interest;

''(3) to accomplish the activities and objectives set forth in sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853, 5854), without regard to the limitation of those sections to the independent states of the former Soviet Union; and

''(4) to promote multilateral activities, including cooperation with international organizations, relating to nonproliferation.

''SEC. 582. AUTHORIZATION OF ASSISTANCE.

''Notwithstanding any other provision of law (other than section 502B or section 620A of this Act), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance in order to carry out the purposes of this chapter. Such assistance may include training services and the provision of funds, equipment, and other commodities related to the detection, deterrence, monitoring, interdiction, and prevention or countering of proliferation, the establishment of effective nonproliferation laws and regulations, and the apprehension of those individuals involved in acts of proliferation of such weapons.

''SEC. 583. TRANSIT INTERDICTION.

''(a) ALLOCATION OF FUNDS.—In providing assistance under this chapter, the President should ensure that not less than one-quarter of the total of such assistance is expended for the purpose of enhancing the capabilities of friendly countries to detect and interdict proliferation-related shipments of cargo that originate from, and are destined for, other countries.

''(b) PRIORITY TO CERTAIN COUNTRIES.—Priority shall be given in the apportionment of the assistance described under subsection (a) to any friendly country that has been determined by the Secretary of State to be a country frequently transited by proliferation-related shipments of cargo.

''SEC. 584. LIMITATIONS.

''The limitations contained in section 573 (a) and (d) of this Act shall apply to this chapter.

''SEC. 585. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this chapter $129,000,000 for fiscal year 2001 and $142,000,000 for fiscal year 2002.

''(b) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) may be used notwithstanding any other provision of law (other than section 502B or 620A) and shall remain available until expended.''.

''(c) TREATMENT OF FISCAL YEAR 2001 APPROPRIATIONS.—Amounts made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, under 'Nonproliferation, Antiterrorism, Demining, and Related Programs' and 'Assistance for the Independent States of the Former Soviet Union' accounts for the activities described in subsection (d) shall be considered to be made available pursuant to this chapter.

''(d) COVERED ACTIVITIES.—The activities referred to in subsection (c) are—

''(1) assistance under the Nonproliferation and Disarmament Fund;

''(2) assistance for science and technology centers in the independent states of the former Soviet Union;

''(3) export control assistance; and

''(4) export control and border assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) or the FREEDOM Support Act (22 U.S.C. 5801 et seq.).''.

SEC. 302. NONPROLIFERATION AND EXPORT CONTROL TRAINING IN THE UNITED STATES.

Of the amounts made available for fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, $2,000,000 is authorized to be available each such fiscal year for the purpose of training and education of personnel from friendly countries in the United States.

SEC. 303. SCIENCE AND TECHNOLOGY CENTERS.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available for the fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, $59,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress, taking into account section 1132 of H. R. 3427 of the One Hundred and Sixth Congress (as enacted by section 1000(a)(7) of Public Law 106–113), that the practice of auditing entities receiving funds authorized under this section should be significantly expanded and that the burden of supplying auditors should be spread equitably within the United States Government.

SEC. 304. TRIAL TRANSIT PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amount made available for fiscal year 2001 under chapter 9 of the Foreign Assistance Act of 1961, as added by section 301, $5,000,000 is authorized to be available to establish a static cargo x-ray facility in Malta, if the Secretary of State first certifies to the appropriate committees of Congress that the Government of Malta has provided adequate assurances that such a facility will be utilized in connection with random cargo inspections by Maltese customs officials of container traffic transiting through the Malta Freeport.

(b) REQUIREMENT OF WRITTEN ASSESSMENT.—In the event that a facility is established in Malta pursuant to subsection (a), the Secretary of State shall submit a written assessment to the appropriate committees of Congress not later than 270 days after such a facility commences operation detailing—

(1) statistics on utilization of the facility by Malta;

(2) the contribution made by the facility to United States nonproliferation and export control objectives; and

(3) the feasibility of establishing comparable facilities in other countries identified by the Secretary of State pursuant to section 583 of the Foreign Assistance Act of 1961, as added by section 301.

(c) TREATMENT OF ASSISTANCE.—Assistance under this section shall be considered as assistance under section 583(a) of the Foreign Assistance Act of 1961 (relating to transit interdiction), as added by section 301.

SEC. 305. EXCEPTION TO AUTHORITY TO CONDUCT INSPECTIONS UNDER THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998.

Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723) is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—The requirement under subsection (b)(2)(A) shall not apply to inspections of United States chemical weapons destruction facilities (as used within the meaning of part IV(C)(13) of the Verification Annex to the Convention).''.

TITLE IV—ANTITERRORISM ASSISTANCE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–4(a)) is amended by striking ''$9,840,000'' and all that follows through the period and inserting the following: ''$72,000,000 for fiscal year 2001 and $73,000,000 for fiscal year 2002.''.

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

Subtitle A—Establishment of a National Security Assistance Strategy

SEC. 501. NATIONAL SECURITY ASSISTANCE STRATEGY.

(a) MULTIYEAR PLAN.—Not later than 180 days after the date of enactment of this Act,

and annually thereafter at the time of submission of the congressional presentation materials of the foreign operations appropriations budget request, the Secretary of State should submit to the appropriate committees of Congress a plan setting forth a National Security Assistance Strategy for the United States.

(b) ELEMENTS OF THE STRATEGY.—The National Security Assistance Strategy should—

(1) set forth a multi-year plan for security assistance programs;

(2) be consistent with the National Security Strategy of the United States;

(3) be coordinated with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;

(4) be prepared, in consultation with other agencies, as appropriate;

(5) identify overarching security assistance objectives, including identification of the role that specific security assistance programs will play in achieving such objectives;

(6) identify a primary security assistance objective, as well as specific secondary objectives, for individual countries;

(7) identify, on a country-by-country basis, how specific resources will be allocated to accomplish both primary and secondary objectives;

(8) discuss how specific types of assistance, such as foreign military financing and international military education and training, will be combined at the country level to achieve United States objectives; and

(9) detail, with respect to each of the paragraphs (1) through (8), how specific types of assistance provided pursuant to the Arms Export Control Act and the Foreign Assistance Act of 1961 are coordinated with United States assistance programs managed by the Department of Defense and other agencies.

(c) COVERED ASSISTANCE.—The National Security Assistance Strategy should cover assistance provided under—

(1) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(2) chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(3) section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i).

Subtitle B—Allocations for Certain Countries

SEC. 511. SECURITY ASSISTANCE FOR NEW NATO MEMBERS.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $30,300,000 for fiscal year 2001 and $35,000,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: the Czech Republic, Hungary, and Poland.

(b) MILITARY EDUCATION AND TRAINING.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), $5,100,000 for fiscal year 2001 and $7,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: the Czech Republic, Hungary, and Poland.

(c) SELECT PRIORITIES.—In providing assistance under this section, the President shall give priority to supporting activities that are consistent with the objectives set forth in the following conditions of the Senate resolution of ratification for the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic:

(1) Condition (1)(A)(v), (vi), and (vii), relating to common threats, the core mission of NATO, and the capacity to respond to common threats.

(2) Condition (1)(B), relating to the fundamental importance of collective defense.

(3) Condition (1)(C), relating to defense planning, command structures, and force goals.

(4) Conditions (4)(B)(i) and (4)(B)(ii), relating to intelligence matters.

SEC. 512. INCREASED TRAINING ASSISTANCE FOR GREECE AND TURKEY.

(a) IN GENERAL.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) $1,000,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Greece; and

(2) $2,500,000 for fiscal year 2001 and $2,500,000 for fiscal year 2002 are authorized to be available for Turkey.

(b) USE FOR PROFESSIONAL MILITARY EDUCATION.—Of the amounts available under paragraphs (1) and (2) of subsection (a) for fiscal year 2002, $500,000 of each such amount should be available for purposes of professional military education.

(c) USE FOR JOINT TRAINING.—It is the sense of Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.

SEC. 513. ASSISTANCE FOR ISRAEL.

(a) DEFINITIONS.—In this section:

(1) ESF ASSISTANCE.—The term ''ESF assistance'' means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.

(2) FOREIGN MILITARY FINANCING PROGRAM.—The term ''Foreign Military Financing Program'' means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel.

(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for ESF assistance for Israel for the preceding fiscal year, minus

(B) $120,000,000.

(c) FMF PROGRAM.—

(1) IN GENERAL.—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel.

(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for assistance under the Foreign Military Financing Program for Israel for the preceding fiscal year, plus

(B) $60,000,000.

(3) DISBURSEMENT OF FUNDS.—Funds authorized to be available for Israel under paragraph (1) for fiscal year 2001 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2001, or October 31, 2000, whichever date is later.

(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for fiscal year 2001 shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

SEC. 514. ASSISTANCE FOR EGYPT.

(a) DEFINITIONS.—In this section:

(1) ESF ASSISTANCE.—The term ''ESF assistance'' means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.

(2) FOREIGN MILITARY FINANCING PROGRAM.—The term ''Foreign Military Financing Program'' means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Egypt.

(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for ESF assistance for Egypt during the preceding fiscal year, minus

(B) $40,000,000.

(c) FMF PROGRAM.—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, $1,300,000,000 is authorized to be made available for Egypt.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

(e) DISBURSEMENT OF FUNDS.—Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2001 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of the date of enactment of this Act, or by October 31, 2000, whichever is later, provided that—

(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;

(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program; and

(3) none of the interest accrued by such account should be obligated unless the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives are notified.

SEC. 515. SECURITY ASSISTANCE FOR CERTAIN COUNTRIES.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $18,200,000 for fiscal year 2001 and $20,500,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: Estonia, Latvia, and Lithuania;

(2) $2,000,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for the Philippines;

(3) $4,500,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Georgia;

(4) $3,000,000 for fiscal year 2001 and $3,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Malta;

(5) $3,500,000 for fiscal year 2001 and $4,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovenia;

(6) $8,400,000 for fiscal year 2001 and $8,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovakia;

(7) $11,000,000 for fiscal year 2001 and $11,100,000 for fiscal year 2002 are authorized to be available on a grant basis for Romania;

(8) $8,500,000 for fiscal year 2001 and $8,600,000 for fiscal year 2002 are authorized to be available on a grant basis for Bulgaria; and

(9) $100,000,000 for fiscal year 2001 and $105,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Jordan.

(b) IMET.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) $2,300,000 for fiscal year 2001 and $4,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: Estonia, Latvia, and Lithuania;

(2) $1,400,000 for fiscal year 2001 and $1,500,000 for fiscal year 2002 are authorized to be available for the Philippines;

(3) $475,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Georgia;

(4) $200,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Malta;

(5) $700,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Slovenia;

(6) $700,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Slovakia;

(7) $1,300,000 for fiscal year 2001 and $1,500,000 for fiscal year 2002 are authorized to be available for Romania; and

(8) $1,100,000 for fiscal year 2001 and $1,200,000 for fiscal year 2002 are authorized to be available for Bulgaria.

SEC. 516. BORDER SECURITY AND TERRITORIAL INDEPENDENCE.

(a) GUUAM COUNTRIES AND ARMENIA.—For the purpose of carrying out section 499C of the Foreign Assistance Act of 1961 and assisting GUUAM countries and Armenia to strengthen national control of their borders and to promote the independence and territorial sovereignty of such countries, the following amounts are authorized to be made available for fiscal years 2001 and 2002:

(1) $5,000,000 for fiscal year 2001 and $20,000,000 for fiscal year 2002 are of the amounts made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) $2,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002 of the amounts made available under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301.

(3) $500,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(4) $1,000,000 for fiscal year 2001 and $2,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 8 of part II of the Foreign Assistance Act.

(b) GUUAM COUNTRIES DEFINED.—In this section, the term ''GUUAM countries'' means the group of countries that signed a protocol on quadrilateral cooperation on November 25, 1997, together with Uzbekistan.

TITLE VI—TRANSFERS OF NAVAL VESSELS

SEC. 601. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) BRAZIL.—The President is authorized to transfer to the Government of Brazil two ''THOMASTON'' class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34), and four ''GARCIA'' class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048) and ALBERT DAVID (FF 1050). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) CHILE.—The President is authorized to transfer to the Government of the Chile two ''OLIVER HAZARD PERRY'' class guided missile frigates WADSWORTH (FFG 9), and ESTOCIN (FFG 15). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761).

(c) GREECE.—The President is authorized to transfer to the Government of Greece two ''KNOX'' class frigates VREELAND (FF 1068), and TRIPPE (FF 1075). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) TURKEY.—The President is authorized to transfer to the Government of Turkey two ''OLIVER HAZARD PERRY'' class guided missile frigates JOHN A. MOORE (FFG 19), and FLATLEY (FFG 21). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761). The authority granted by this subsection is in addition to that granted under section 1018(a)(9) of Public Law 106–65.

SEC. 602. INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of naval vessels authorized under section 601 to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be included in the aggregate annual value of transferred excess defense articles which is subject to the aggregate annual limitation set forth in section 516(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)).

SEC. 603. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this title shall be charged to the recipient.

SEC. 604. CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.

A transfer of a vessel on a combined lease-sale basis authorized by section 601 shall be made in accordance with the following requirements:

(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.

(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.

(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.

(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement by the date required under the sales agreement—

(A) the sales agreement shall be immediately terminated;

(B) the suspension of lease payments under the lease shall be vacated; and

(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.

(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.

SEC. 605. FUNDING OF CERTAIN COSTS OF TRANSFERS.

There are authorized to be appropriated to the Defense Vessels Transfer Program Account such funds as may be necessary to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by section 601. Funds authorized to be appropriated under the preceding sentence for the purpose described in that sentence may not be available for any other purpose.

SEC. 606. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under section 601, that the country to which the vessel is transferred will have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 607. SENSE OF CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS.

It is the sense of Congress that naval vessels authorized under section 601 to be transferred to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) should be so transferred only if the United States receives appropriate benefits from such countries for transferring the vessel on a grant basis.

SEC. 608. EXPIRATION OF AUTHORITY.

The authority granted by section 601 shall expire two years after the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. UTILIZATION OF DEFENSE ARTICLES AND DEFENSE SERVICES.

Section 502 of the Foreign Assistance Act of 1961 (22 U.S.C. 2302) is amended in the first sentence by inserting ''(including for antiterrorism and nonproliferation purposes)'' after ''internal security''.

SEC. 702. ANNUAL MILITARY ASSISTANCE REPORT.

Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: ''and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report''.

SEC. 703. REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the President shall prepare and transmit to the appropriate committees of Congress a report that contains a summary of the status of the efforts of the Defense Security Cooperation Agency to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers of defense articles, defense services, and related technologies.

SEC. 704. MTCR REPORT TRANSMITTALS.

For purposes of section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)), the requirement that reports under that section shall be transmitted to the Congress shall be considered to be a requirement that such reports shall be transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing and Urban Affairs of the Senate.

SEC. 705. STINGER MISSILES IN THE PERSIAN GULF REGION.

(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.

SEC. 706. SENSE OF CONGRESS REGARDING EXCESS DEFENSE ARTICLES.

It is the sense of Congress that the President should make expanded use of the authority provided under section 21(a) of the Arms Export Control Act to sell excess defense articles by utilizing the flexibility afforded by section 47 of such Act to ascertain the ''market value'' of excess defense articles.

SEC. 707. EXCESS DEFENSE ARTICLES FOR MONGOLIA.

(a) USES FOR WHICH FUNDS ARE AVAILABLE.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal years 2001 and 2002, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Mongolia.

(b) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

SEC. 708. SPACE COOPERATION WITH RUSSIAN PERSONS.

(a) ANNUAL CERTIFICATION.—

(1) REQUIREMENT.—The President shall submit each year to the appropriate committees of Congress, with respect to each Russian person described in paragraph (2), a certification that the reports required to be submitted to Congress during the preceding calendar year under section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178) do not identify that person on account of a transfer to Iran of goods, services, or technology described in section 2(a)(1)(B) of such Act.

(2) APPLICABILITY.—The certification requirement under paragraph (1) applies with respect to each Russian person that, as of the date of the certification, is a party to an agreement relating to commercial cooperation on MTCR equipment or technology with a United States person pursuant to an arms export license that was issued at any time since January 1, 2000.

(3) EXEMPTION.—No activity or transfer which specifically has been the subject of a Presidential determination pursuant to section 5(a)(1), (2), or (3) of the Iran Nonproliferation Act of 2000 (Public Law 106–178) shall cause a Russian person to be considered as having been identified in the reports submitted during the preceding calendar year under section 2 of that act for the purposes of the certification required under paragraph (1).

(4) COMMENCEMENT AND TERMINATION OF REQUIREMENT.—

(A) TIMES FOR SUBMISSION.—The President shall submit—

(i) the first certification under paragraph (1) not later than 60 days after the date of the enactment of this Act; and

(ii) each annual certification thereafter on the anniversary of the first submission.

(B) TERMINATION OF REQUIREMENT.—No certification is required under paragraph (1) after termination of cooperation under the specific license, or five years after the date on which the first certification is submitted, whichever is the earlier date.

(b) TERMINATION OF EXISTING LICENSES.—If, at any time after the issuance of a license under section 36(c) of the Arms Export Control Act relating to the use, development, or co-production of commercial rocket engine technology with a foreign person, the President determines that the foreign person has engaged in any action described in section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)) since the date the license was issued, the President may terminate the license.

(c) REPORT ON EXPORT LICENSING OF MTCR ITEMS UNDER $50,000,000.—Section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)) is amended by striking ''Within 15 days'' and all that follows through ''MTCR Annex,'' and inserting ''Within 15 days after the issuance of a license (including any brokering license) for the export of items valued at less than $50,000,000 that are controlled under this Act pursuant to United States obligations under the Missile Technology Control Regime and are goods or services that are intended to support the design, utilization, development, or production of a space launch vehicle system listed in Category I of the MTCR Annex,''.

(d) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term ''foreign person'' has the meaning given the term in section 74(7) of the Arms Export Control Act (22 U.S.C. 2797c(7)).

(2) MTCR EQUIPMENT OR TECHNOLOGY.—The term ''MTCR equipment or technology'' has the meaning given the term in section 74(5) of the Arms Export Control Act (22 U.S.C. 2797c(5)).

(3) PERSON.—The term ''person'' has the meaning given the term in section 74(8) of the Arms Export Control Act (22 U.S.C. 2797c(8)).

(4) UNITED STATES PERSON.—The term ''United States person'' has the meaning given the term in section 74(6) of the Arms Export Control Act (22 U.S.C. 2797c(6).

SEC. 709. SENSE OF CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES.

(a) IN GENERAL.—It is the sense of Congress that the United States Government should work with the Government of the Philippines to enable that Government to procure military equipment that can be used to upgrade the capabilities and to improve the quality of life of the armed forces of the Philippines.

(b) MILITARY EQUIPMENT.—Military equipment described in subsection (a) should include—

(1) naval vessels, including amphibious landing crafts, for patrol, search-and-rescue, and transport;

(2) F–5 aircraft and other aircraft that can assist with reconnaissance, search-and-rescue, and resupply;

(3) attack, transport, and search-and-rescue helicopters; and

(4) vehicles and other personnel equipment.

SEC. 710. WAIVER OF CERTAIN COSTS.

Notwithstanding any other provision of law, the President may waive the requirement to impose an appropriate charge for a proportionate amount of any nonrecurring costs of research, development, and production under section 21(e)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(B)) for the November 1999 sale of 5 UH–60L helicopters to the Republic of Colombia in support of counternarcotics activities.

And the Senate agree to the same.

BENJAMIN A. GILMAN,
BILL GOODLING,
SAM GEJDENSON,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
CHUCK HAGEL,
JOE BIDEN,
PAUL S. SARBANES,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SECURITY ASSISTANCE ACT OF 2000

The conferees note that, during the past 10 years, the pool of money available for security assistance to United States allies and partners has decreased dramatically. At the same time, the number of countries with which the United States needs to engage, whether to combat proliferation or terrorism or to bolster regional security, has steadily increased. For instance, three countries of the former Warsaw Pact are now NATO members and receive both Foreign Military Financing and International Military Education and Training from the United States. Other countries which were once part of the Soviet Union itself are now free and independent, and enjoy important security relationships with the United States. An even larger number of countries, now free from the Soviet orbit, are also free to pursue closer military relationships with the United States. Thus, for instance, this bill makes Mongolia eligible for Department of Defense expenditures relating to excess defense articles for the first time in history.

The conferees are concerned that a steadily increasing number of countries are pursuing a relationship with the United States which is funded by a steadily decreasing amount of money. Additionally, 98 percent of the Foreign Military Financing (FMF) account is currently committed to just three countries as a result of various peace accord commitments. Even if the President's budget request is fully funded, only $18,200,000 in FMF would actually be available for the United States to build security ties to the rest of the world. This legislation seeks to arrest and reverse this decline. Section 101 authorizes an increase in FY 2001 of $12,000,000 in grant Foreign Military Financing over the President's budget request, and in FY 2002, with an increase of $89,000,000, will bring the total amount of truly ''discretionary'' FMF spending to $272,200,000. Even so, this will not return security assistance to 1990 spending levels.

Similarly, Section 201 fully funds the President's request for the International

Military Education and Training program by authorizing $55,000,000 in FY 2001 and provides a $10,000,000 increase for FY 2002.

Section 301, which establishes a new chapter in the Foreign Assistance Act, consolidates all nonproliferation funding, except for assistance to the International Atomic Energy Agency, under a single funding line. In so doing, it will protect nonproliferation assistance from numerous foreign aid restrictions that govern the current appropriations process.

This legislation fully funds the President's request and authorizes funding for one additional, Congressionally-mandated nonproliferation and export control initiative in Malta. It also funds the International Science and Technology Centers (ISTC) program at maximum capacity. Moreover, this legislation will strengthen the hand of the newly-created Nonproliferation Bureau of the Department of State in shaping a coherent U.S.nonproliferation and export control policy. Likewise, the President's antiterrorism funding request is fully authorized, and the conferees have applied additional resources to ensure that the fledgling Terrorist Interdiction Program is funded in fiscal year 2001 at the same level as in fiscal year 2000.

In total, this bill authorizes $38,806,000,000 in security assistance funding for fiscal year 2001. This is an increase of $30,800,000 over the President's budget request for fiscal year 2001. It further authorizes $3,907,000,000 for fiscal year 2002.

TITLE I—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authority

AUTHORIZATION OF APPROPRIATIONS

Section 101 of the conference agreement, which has been modified from the Senate proposal, authorizes $3,550,000,000 for fiscal year 2001, and $3,627,000,000 for fiscal year 2002, for the Foreign Military Financing (FMF) Program. The administration request for fiscal year 2001 for FMF (grants and loans) is $3,538,200,000. The actual level of FMF funding for fiscal year 2000 is $3,420,000,000.

REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES

Section 102 of the conference agreement, which has been modified from the House proposal, codifies in statute requirements relating to country exemptions for licensing of defense items for export to foreign countries.

On May 24, 2000, the Administration unveiled a major initiative—the Defense Trade Security Initiative—to improve transatlantic cooperation in the area of defense trade. The initiative was a package of seventeen separate proposals geared toward promoting U.S. defense exports of NATO countries, Japan and Australia. The Committees on Foreign Relations and International Relations, which were not consulted in a timely fashion on the Defense Trade Security Initiative, nevertheless welcome most of the proposed changes to the International Traffic in Arms Regulations (ITAR).

The overall objective of DTSI is to improve transatlantic cooperation in defense trade, particularly as that may aid us in strengthening NATO, supporting the Defense Capabilities Initiative (DCI), improving the interoperability of our forces and contributing to the health and productivity of defense industries on both sides of the Atlantic.

Most of the seventeen separate proposals deal with reforming the U.S. defense export control licensing process. They are noncontroversial. They include proposals to establish new procedures for U.S. industry to secure export license for arms sales to NATO countries and other friendly countries and the establishment of a robust common database. Indeed, several of the initiatives mirror recommendations made by the two committees at various times.

Under Article 1, Section 8, of the United States Constitution, the Congress possesses sole constitutional authority to ''regulate Commerce with foreign Nations.'' The President may only engage in such an exercise to the extent he has been authorized to do so by the Congress. Most of the seventeen DTSI measures, which clearly relate to the regulation of commerce, have been implicitly authorized in advance by Congress. The Arms Export Control Act (AECA) requires the President to administer export controls for certain commodities and also contains a measure of flexibility, allowing the President to alter export control requirements through regulatory changes. Indeed, numerous regulatory modifications have been made using this authority. Thus the constitutionality of a regulatory change to implement many of the proposed initiatives is well established.

The conferees remain concerned, however, with certain other of the proposals. The most important—and controversial—initiative is entitled 'Extension of International Traffic in Arms Regulations (ITAR) Exemption to Qualified Countries'. Pursuant to this initiative, the Administration is prepared to establish new ITAR licensing exemptions for unclassified defense items to qualified companies in foreign countries with whom the United States signs a bilateral agreement and that adopt and demonstrate export controls that are comparable in effectiveness to those of the United States.

For several years, the United States has, under Section 38(b)(2) of the AECA, permitted unlicensed trade in defense articles and defense services with Canada. This practice, popularly called the ''Canada exemption,'' has been supported by Congress in light of the unique defense trade relationship between the United States and Canada. In a June 28, 2000, letter to Chairman Helms, the Secretary of Defense stated his intent ''to negotiate a Canada-style exemption to the ITAR with the U[nited] K[ingdom] and Australia.'' On March 16, 2000, in a letter to the Secretary of State, the Chairmen of the Senate Committee on Foreign Relations and the House Committee on International Relations—the two Congressional Committees with sole jurisdiction over the AECA and regulation of defense trade—expressed concern about expanding the Canadian exemption. The Canada exemption is a unique one, based on an intertwined defense industrial base, a close law enforcement relationship, and geographical considerations. These same considerations do not apply to either the United Kingdom or Australia (to say nothing of other countries), despite the close military, intelligence, and law enforcement relationships that the U.S. government has with the governments in London and Canberra. For instance, defense commodities being shipped between the United States and Canada are far less susceptible to diversion than items shipped longer distances on cargo vessels which must make multiple port calls before arriving in the final port of destination. Moreover, unlike the case in Canada, many major U.K. defense companies are now jointly partnered with other European firms.

For these reasons and others, the Secretary of State and the Attorney General raised serious questions about how a Canada-like exemption would affect U.S. export controls and law enforcement efforts. Their concerns turned, in short, on the fact that elimination of a licensing requirement for various weapons and defense commodities would remove an important law enforcement capability for the United States, placing heightened reliance upon the United Kingdom and Australia to stop diversions of U.S. equipment and to provide the type of evidence needed to prosecute violations of the AECA.

In his June 28, 2000 letter, the Secretary of Defense assured the Committee on Foreign Relations that the licensing exemption for certain countries would need to be accomplished through ''legally binding agreements to ensure their export control and technology security regimes are congruent to our own. In exchange for these ironclad arrangements, we are prepared to offer an exemption to the ITAR similar to that long-provided to Canada.''

The conferees are pleased to note this emphasis on extending a broad ITAR exemption in a legally-binding agreement and, accordingly, are equally pleased to codify the requirement in statute. As the Department of State noted in connection with the START Treaty: ''An undertaking or commitment that is understood to be legally binding carries with it both the obligation to comply with the undertaking and the right of each Party to enforce the obligation under international law.'' This right of enforcement is of singular importance in this case, because noncompliance with the undertaking presumably could result in the diversion of United States weaponry or technology.

Essential to the initiative to provide license-free trade to various countries is the operation of domestic export control laws in such countries. Accordingly, the underlying rationale governing Section 102 is that the United States should not provide the benefit of an exemption from licensing of U.S. defense exports unless a foreign country agrees to apply, in a legally-binding fashion and in accordance with a bilateral agreement with the United States, the full range of United States export control and laws, regulations, and policies appropriate to the sensitivity of defense items exported to a foreign country under the exemption.

In that regard, the section requires that in order to provide an exemption from licensing of defense exports to a foreign country, the United States must negotiate a legally binding bilateral agreement including specific requirements. The President must then certify that the bilateral agreement meets those specific requirements and, importantly, that the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement before implementing the exemption.

The specific requirements include but are not limited to securing end-use and retransfer commitments from all end-users, controls on reexports to foreign countries including a requirement for prior written U.S. government approval for such reexports, and the establishment of a list of controlled defense items that will include those items covered by the exemption, which are required to be notified to the Congress under subsection (b) of this section.

The conferees expect to exercise close oversight of any agreements reached with foreign nations that provide for unlicensed trade in defense articles and defense services. The conferees reserve judgment on whether any agreements contemplated with

the United Kingdom or Australia in this area should be undertaken in executive agreements, or as treaties, subject to advice and consent of the Senate. The conferees expect, as stated in subsection (d), that the Secretary of State will consult with the two Committees as to whether the DTSI licensing exemption for various countries should be codified as a treaty. Were the Secretary of State to conclude bilateral treaties with the United Kingdom and Australia to achieve the objectives set forth under the DTSI initiative, the Senate conferees would support the earliest possible consideration of such important measures. Alternatively, the Congress has the option of amending Section 38(b)(2) of the AECA to limit the President's flexibility to approve unlicensed trade—with Canada or any other nation.

Finally, the conferees address in subsection (c) the issue of exports of commercial communication satellites. Without prejudice to the outcome of a review, the conferees believe that both Congress and the Executive Branch should re-evaluate the issue of the correct and appropriate commodity jurisdiction for export control of U.S. commercial communication satellites.

Subtitle B—Stockpiling of Defense Articles for Foreign Countries

ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES

Section 111 was proposed by the House. Pursuant to Section 514 of the Foreign Assistance Act of 1961, as amended, the Department of Defense can make additions to the War Reserve Stockpiles for Allies stockpiles only as periodically provided for in legislation. For fiscal year 2000, the President requested authority to make additions to stockpiles in South Korea ($40,000,000) and Thailand ($20,000,000). The conferees provided this authority under Section 1231 of the ''Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001'' (P.L. 106–113). For fiscal year 2001 the Department of Defense has asked for an additional $50,000,000 authorization for the Korean program. Section 111 provides this authority for fiscal year 2001.

TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL

Section 112 has been modified from the House proposal. Periodically the Department of Defense requests authorization to transfer defense articles out of War Reserve Stockpiles to the host country in question. The defense articles are to be sold to the host nation, or to be transferred in exchange for other non-monetary concessions. The Committee provided similar authority to make such transfers to South Korea and Thailand pursuant to Section 1232 of the ''Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001'' (P.L. 106–113).

Subtitle C—Other Assistance

DEFENSE DRAWDOWN SPECIAL AUTHORITIES

Section 121, which has been modified from the Senate proposal, increases the special drawdown authorities of defense articles and services from defense stocks, and for military education and training, to assist foreign countries from $150 million to $200 million.

Current law grants the President the authority to draw down from existing stocks within the Department of Defense to assist in emergencies or when he determines it is in the national interest. This section expands the authority by making nonproliferation and antiterrorism activities eligible for the special drawdown authorities relating to defense articles and services, and to military education and training, to assist foreign countries. The increase in financial authority is meant to allow for incorporation of nonproliferation and antiterrorism objectives without sacrificing the President's flexibility to respond to unforeseen emergencies and foreign policy objectives relating to combating international narcotics, international disaster assistance, and migration and refugee assistance.

INCREASED AUTHORITY FOR THE TRANSPORT OF EXCESS DEFENSE ARTICLES

Section 122, proposed by the Senate, raises the space available weight limitation that is imposed on the transportation of excess defense articles (EDA) from 25,000 pounds to 50,000 pounds. Currently, a variety of limitations are imposed on the use of Department of Defense funds to transfer excess defense articles to foreign nations and international organizations. Moreover, even when such an expenditure is authorized, free transportation of EDA may only be provided on a space available basis if it is in the U.S. national interest to do so, the recipient nation is a developing nation which receives less than $10,000,000 in FMF and IMET, and the weight of the items to be transferred does not exceed 25,000 pounds.

In limiting the weight of defense articles to no more than 25,000 pounds, current law will preclude the transportation of a large number of United States Coast Guard ''self-righting'' patrol craft which have recently been declared excess but which weigh approximately 33,000 pounds. Over the next four years, more than 50 of these vessels will be eligible for transfer to foreign nations under the EDA program. However, the current weight limitation will preclude shipment of the vessels on a space available basis to foreign countries. This, in turn, will increase the cost of transfer of the defense article to would-be recipients, and likely would cause many nations to decline U.S. offers of these vessels. As a result, the Untied States Coast Guard could incur unnecessary expenses due to delays in finding foreign recipients of the craft, and possibly be forced to demilitarize vessels for whom a foreign customer could not be secured. Raising the weight limit to 50,000 pounds will obviate this problem.

TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

AUTHORIZATION OF APPROPRIATIONS

Section 201, which has been modified from the Senate proposal, authorizes $55,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 to carry out international military education and training (IMET) of military and related civilian personnel of foreign countries. The administration request for fiscal year 2001 for IMET is $55,000,000. The actual level of IMET funding for fiscal year 2000 is $50,000,000. IMET is provided on a grant basis to students from allied and friendly nations, and is designed to expose foreign students to the U.S. professional military establishment and the American way of life, including the U.S. regard for democratic values, respect for individual and human rights and belief in the rule of law. Section 201 authorizes funding of the IMET program in 2002 at its maximum capacity. Funding beyond this level cannot be absorbed due to limitations in number of courses and classes.

ADDITIONAL REQUIREMENTS RELATING TO INTERNATIONAL MILITARY EDUCATION AND TRAINING

Section 202, proposed by the Senate, amends Chapter 5 of part II of the Foreign Assistance Act of 1961, relating to International Military Education and Training (IMET), by adding two new requirements. First, selection of foreign personnel for the IMET program will be done in consultation with United States defense attaches, who are uniquely positioned to recommend candidates. The conferees are concerned to note that defense attaches are, on occasion, excluded from this process. By mandating consultation, the conferees intend to secure the complete involvement of defense attaches in nominating individuals for the IMET program. Naturally, selection of foreign personnel, and overall management of the IMET program remain the responsibility of the Department of State.

Section 202 also requires that the Secretary of Defense develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this chapter after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether it was completed successfully, and, to the extent practicable, a record of the person's subsequent military or defense ministry career and current position and location. The conferees expect that the record of a person's subsequent career will include positions held, reports of exceptional successes or failures in those positions, and any credible reports of involvement in criminal activity or human rights abuses. The conferees believe that such a database will improve the effectiveness of foreign military education and training activities by enabling the Department of Defense to better determine: what follow up training may be most appropriate for previously trained personnel; which courses are most effective in improving the performance of foreign military personnel; and where personnel are located in foreign defense establishments who, by virtue of their prior training, are most likely to understand U.S. modes of operation and share U.S. standards of military professionalism. This section does not require, however, that the Department of Defense institute dramatic new collection programs to gather information for the database.

TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Section 301 has been modified from the Senate proposal. Every major category of U.S. foreign assistance, except for nonproliferation and export control assistance, is governed under multiple sections, or entire chapters, of the Foreign Assistance Act of 1961 (FAA). The FAA contains chapters authorizing international narcotics control, military assistance, peacekeeping operations, antiterrorism assistance, IMET, development assistance, and funding for international organizations, to name a few. Although the President has declared a state of national emergency to combat the proliferation of weapons of mass destruction and associated delivery systems, the FAA does not contain a specific chapter to authorize and direct such a clearly important form of U.S. foreign aid. Funding for the nonproliferation and export control activities of the Department of State derives from a variety of disparate authorizations passed at various

times. As a result, this category of funding does not enjoy the same status as other types of foreign assistance.

Appropriation of funds for nonproliferation and export control activities is cobbled together annually by the Appropriations Committee under a catch-all account that also includes demining and contributions to certain international organizations. Thus the Department of State is invariably forced to make ''trade-offs'' between nonproliferation and export control funding and funding for other activities. Finally, other nonproliferation and export control funding is contained within the amounts appropriated for the ''newly independent'' states of the former Soviet Union, and is thus subject to restrictions if the President cannot certify that Russia is not proliferating technology to Iran (which he has, to date, been unable to do).

By adding a new chapter to Part II of the FAA, the conferees intend U.S. nonproliferation and export control assistance to be given equal stature with other authorized activities. The conferees expect the Department of State, in the future, to consolidate all of its nonproliferation funding, except for funding for the International Atomic Energy Agency (which is governed by a separate authorization under the FAA), into a single, integrated request to be authorized under Chapter 9 of the FAA. The conferees further expect that the Nonproliferation Bureau of the Department of State will be given authority over the use of funds authorized by this chapter.

The new chapter to the FAA incorporates existing authorities under Sections 503 and 504 of the FREEDOM Support Act (which are the principal extant authorities for nonproliferation and export control activities). The new sections 581 and 582 carry forward those authorities, but also emphasize the need for programs to bolster the indigenous capabilities of foreign countries to monitor and interdict proliferation shipments. Section 583 directs the President to ensure that sufficient funds are allocated to the transit interdiction effort. To this end, the section contains authority for the Secretary of State to establish a list of countries that should be given priority in U.S. transit interdiction funding. The conferees suggest that the initial designation of the transit country list include those countries mentioned in the fiscal year 1999 Congressional presentation document as ''key global transit points'' (e.g., the countries of Central Asia and the Caucasus, the Baltics, Central and Eastern Europe, Singapore, Hong Kong, Taiwan, Cyprus, Malta, Jordan, and the UAE).

Section 584, which will be part of the new chapter of the FAA, makes clear that two of the same limitations which apply to antiterrorism assistance also apply to nonproliferation and export control assistance. Section 584 permits the use of unrelated accounts to furnish services and commodities consistent with, and in furtherance of, Chapter 9 of the FAA. However, it requires that the foreign nation receiving such services or commodities pay in advance for the item or service, and that the reimbursement be credited to the account from which the service or commodity is furnished or subsidized. Foreign Military Financing may not be used to make such payments. Section 584 also makes clear that Chapter 9 does not apply to information exchange activities conducted under other authorities of law.

Section 585 authorizes $129,000,000 for fiscal year 2001, and $142,000,000 for fiscal year 2002, for activities conducted pursuant to Chapter 9 of the FAA. This amount captures several activities currently appropriated within the Nonproliferation, Anti-Terrorism, Demining, and Related Programs Account, and the FREEDOM Support Act Assistance for the New Independent States (NIS) of the Former Soviet Union. The covered programs, at the administration's requested levels of funding for FY2001, are: $15,000,000 for the Nonproliferation and Disarmament Fund; $14,000,000 for Export Control Assistance; $45,000,000 for the Science Centers; and $36,000,000 in NIS export control and border assistance funding. The administration request for fiscal year 2001 thus totals $110,000,000 for all Chapter 9 authorized activities. The increase of $19,000,000 above the administration's requested levels is intended to support two initiatives contained in sections 303 and 304. Specifically, this increase supports funding of the International Science and Technology Centers at maximum capacity (which requires an additional $14,000,000) and establishment of a static cargo x-ray facility in Malta as the first of the transit interdiction programs to be managed under the new authorities of the FAA (a $5,000,000 program).

NONPROLIFERATION AND EXPORT CONTROL TRAINING IN THE UNITED STATES

Section 302, which has been modified from the Senate proposal, authorizes the expenditure of $2,000,000 during both fiscal years 2001 and 2002 in nonproliferation and export control funding for the training and education of personnel from friendly countries in the United States. The Department of State already engages in a vigorous training program, and funds numerous activities which are implemented by Department of Commerce personnel. However, much of this training is conducted overseas. The conferees urge the Department of State to place emphasis on bringing a select group of officials from friendly governments back to the United States to engage in an intensive training program which draws upon the expertise of all relevant U.S. government agencies. This training should focus on those nonproliferation and export control activities which would most benefit from being conducted in the United States. Finally, the conferees are concerned with declining travel and training budgets of U.S. government agencies tasked with combating proliferation. The conferees hope this trend will be arrested, but urge the Department of State, in the interim, to seek to offset the effects of this decline using the funds authorized under this section.

SCIENCE AND TECHNOLOGY CENTERS

Section 303, which has been modified from the Senate proposal, authorizes $59,000,000 for fiscal year 2001, and $65,000,000 in fiscal year 2002, in nonproliferation and export control funding for the Department of State's international science and technology centers. The administration request for fiscal year 2001 is $45,000,000. The actual level of funding for fiscal year 2000 is $59,000,000. The conferees expect that this not only will fully fund all ongoing activities at these centers, but will allow a significant expansion in the number of research grants offered to Russian scientists formerly employed in the development of missiles and chemical and biological warfare programs.

Section 303 also expresses the view of the conferees that frequent audits should be conducted of entities receiving ISTC funds. This will be necessary in light of the administration's interest in expanding the role of the ISTC to provide funds to redirect the expertise associated with the Soviet Union's biological warfare program. U.S. obligations under the Chemical and Biological Weapons Conventions, as well as under domestic law (e.g., P.L. 106–113), prohibit the furnishing of assistance to offensive biological warfare programs. It thus is essential that the United States audit entities that receive assistance to ensure that the United States is not contributing, albeit unknowingly, to an offensive biological warfare program (or to entities that are proliferating technology to rogue states). Moreover, the obligation to conduct audits should be spread equitably throughout the United States Government.

TRIAL TRANSIT PROGRAM

Section 304, proposed by the Senate, authorizes $5,000,000 in nonproliferation and export control funding to establish a static cargo x-ray facility in Malta, provided that the Government of Malta first gives satisfactory assurances that Maltese customs officials will engage in random cargo inspections of container traffic passing through the Malta Freeport, and will utilize the x-ray facility to examine random shipping containers.

Malta is the ideal location for a trial transit interdiction program. The country's location, along one of the busiest trade routes in the world, has made it a crucial shipping center. The Malta Freeport is ideally situated as a redistribution point, linking trade between Europe, Africa, the Middle East, and Asia. For instance, direct shipments from the Black Sea to Malta take less than 15 days. From various ports in Europe, Russia, and Asia, large cargo vessels offload their containers into the Freeport. The containers are then stored temporarily and are reloaded onto smaller ''feeder'' vessels which service ports in North Africa, including Libya. The Freeport went into operation in April 1990. According to Maltese Freeport documents, that year alone, 231 vessels offloaded 94,500 containers. Since that time, the volume of activity at the port has steadily increased. In 1996, the number of ships calling at the Freeport reached 1,383. Nearly 600,000 containers transited the facility that year. For 1999, according to a January 10, 2000 article in a Maltese daily newspaper, 1,464 container ships utilized the Freeport. At this time, estimates of container traffic are not available, but presumably the number will exceed half a million.

The steadily rising level of container traffic in the Freeport is noteworthy. The volume can be expected to increase if plans to further expand the port's services are implemented, thereby making one of the world's largest deepwater ports all the more robust. The Malta Freeport Act, which establishes the Freeport as a legally separate entity from Malta proper, creates specific proliferation concerns. Currently the Freeport has its own Minister, and customs functions have been conferred upon the Freeport Authority which he oversees. Maltese Customs does not receive information on transshipments, and may not operate in the Freeport without permission. While the Freeport has never refused such a request, the fundamental lack of transparency, and the inability of Maltese customs to conduct random inspections, means that effective export enforcement is impossible at this time.

The conferees are concerned with this situation since Malta is undeniably being used as a transit point by various entities engaged in weapons proliferation. For example, in one instance of excellent cooperation between the Freeport and Maltese Customs officials, a shipment of chemical warfare precursor

chemicals was seized. Similarly, the United Kingdom recently uncovered a massive shipment of missile parts slated for air delivery to Libya via Malta. While this latter incident did not involve the Freeport, it nevertheless is further evidence that various countries are seeking to use Malta as a transit point for deliveries of dangerous commodities to North Africa.

The conferees note that Maltese-U.S. relations have steadily improved over the past several years. The Government of Malta has demonstrated a genuine commitment to nonproliferation and bolstering its export control capability. Therefore the conferees favor initiation of a trial transit program with Malta, provided that the Maltese Government takes the necessary steps to render this program viable (namely, by opening the Freeport to periodic, random inspections by Maltese Customs officials). The conferees hope that this program, if successful, might serve as a model for programs in other designated transit countries.

EXCEPTION TO AUTHORITY TO CONDUCT INSPECTIONS UNDER THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998

Section 305 was proposed by the Senate. The Chemical Weapons Convention, which was approved by the Senate in 1997, has an extensive inspection regime which allows potentially intrusive inspections of chemical companies in the United States. The Senate was concerned about the threat posed to business proprietary information during the course of an inspection. As a result, the Chemical Weapons Convention Implementation Act of 1998 imposes a requirement that a special agent of the Federal Bureau of Investigation (FBI) accompany every inspection conducted in the United States.

However, there is minimal benefit to the FBI's monitoring of inspections at chemical destruction sites. Such inspections pose little risk to national security or trade secrets and—because of their lengthy duration—a constant FBI presence would be expensive to maintain. This section gives the FBI an exemption from the requirement to be present at inspections of U.S. chemical destruction facilities.

TITLE IV—ANTITERRORISM ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

Section 401, which has been modified from the Senate proposal, authorizes $72,000,000 for fiscal year 2001 and $73,000,000 for fiscal year 2002 in antiterrorism assistance. The administration request for anti-terrorism assistance for fiscal year 2001 is $72,000,000 (including the request for the Terrorist Interdiction Program (TIP)). The actual level of funding for fiscal year 2000, including the TIP, is $38,000,0000.

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

Subtitle A—Establishment of a National Security Assistance Strategy

NATIONAL SECURITY ASSISTANCE STRATEGY

Section 501, which has been modified from the Senate proposal, strongly urges the annual preparation of a National Security Assistance Strategy (NSAS) to be submitted in connection with the annual foreign operations budget request. The purpose of the NSAS is to establish a clear and coherent multi-year plan, on a country by country basis, regarding U.S. security assistance programs. The current process utilized by the United States Government is entirely insufficient and is run, on an ad hoc basis. Seldom is a thoroughly researched, thoroughly justified proposal for security assistance put forward to Congress. This, in turn, has encouraged parallel Congressional initiatives and earmarks which often are put forward with a comparable level of foresight and planning. As a result, it seems that the Political-Military Affairs Bureau of the Department of State does not currently possess sufficient control over the allocation of security assistance funds, despite its clear mandate to manage these programs (except for nonproliferation assistance).

Currently there is no clearly articulated organizing principle for U.S. military assistance. Nor is there a coherent set of benchmarks, or measurements, against which the success of individual programs with various countries can be measured. As a result, military assistance funding proposals are often vague and seemingly unjustified. For instance, the most recent Congressional presentation documents justify the provision of FMF for Southeast Europe as ''contributing to regional stability in Southeast Europe by promoting military reform.'' No further elaboration is given. It is hardly surprising, in light of this sort of justification, that the administration's security assistance requests seldom are fully funded by Congress.

The conferees urge the Department of State to transform fundamentally the way that the United States conceptualizes security assistance. Utilizing a model more akin to the Department of Defense's planning process, the Department of State is encouraged to pull together a comprehensive multi-year plan, which will evolve on an annual basis, setting forth a specific programmatic objective for each country and explaining how the requested funds will accomplish that objective. Additional, secondary objectives should be added as necessary. The conferees believe that the plan for each country should be developed at the U.S. mission level, and should be coordinated by the Department of State with all relevant U.S. government agencies with a role in U.S. security assistance programs. The bottom-up document that results is then to be coordinated with the top-down policy guidance set forth in the National Security Strategy of the United States, and by the Secretary of State (in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and in consultation with other relevant agencies, including the intelligence community).

The conferees expect the resultant document to be a comprehensive National Security Assistance Strategy which provides a robust, detailed justification for security assistance funding that is requested. Rather than the current process, which yields unclear and unmeasurable objectives for U.S. security assistance programs, it is expected that the NSAS process will ensure that the type and amount of assistance given a country is determined programmatically. Progress can thus be measured by the administration and the Congress. In turn, the conferees anticipate that such an initiative, led by the Political-Military Affairs Bureau of the Department of State, will substantially improve Congressional understanding of the administration's initiatives and bolster Congressional support for the President's military assistance request.

SUBTITLE B—ALLOCATIONS FOR CERTAIN COUNTRIES

SECURITY ASSISTANCE FOR NEW NATO MEMBERS

Section 511, which has been modified from the Senate proposal, authorizes $30,300,000 for fiscal year 2001 and $35,000,000 for fiscal year 2002 in grant Foreign Military Financing for the Czech Republic, Hungary, and Poland. Section 511 also authorizes $5,100,000 for fiscal year 2001 and $7,000,000 for fiscal year 2002 in IMET funding for these three new NATO members. The administration request for fiscal year 2001 for these three countries is $30,300,000 in grant FMF and $5,100,000 in IMET funding. The actual level of grant FMF funding for the three for fiscal year 2000 is $22,000,000. The actual level for IMET funding for fiscal year 2000 is $4,570,000.

Section 511 also directs the President to give priority to supporting the objectives set forth by the Senate in its resolution of ratification for the protocols adding the three new NATO members. Specifically, the conferees expect the administration to ensure that FMF and IMET funding is used to support the ability of Poland, Hungary, and the Czech Republic to fulfill their collective defense requirements under Article V of the Washington Treaty. The conferees also expect the administration to use the additional funds provided to expand U.S. efforts to improve the ability of these countries to protect themselves from hostile foreign intelligence services.

INCREASED TRAINING ASSISTANCE FOR GREECE AND TURKEY

Section 512, which has been modified from the Senate proposal, authorizes $1,000,000 in IMET funding for Greece and $2,500,000 in IMET funding for Turkey for each of the fiscal years 2001 and 2002. The administration request for IMET for fiscal year 2001 is $25,000 for Greece and $1,600,000 for Turkey. The actual level of IMET funding for Greece for fiscal year 2000 is $25,000. For Turkey, the actual level of IMET funding for fiscal year 2000 is $1,500,000.

The conferees are encouraged by numerous indications of a warming in Greek-Turkish relations. This improvement has manifested itself in several ways, ranging from Greek agreement to Turkish candidacy for membership in the European Union to the large number of bilateral agreements that have recently been signed during reciprocal visits of foreign ministers (including agreements on transportation, tourism, cultural heritage, and customs issues). In the interest of bolstering this process the conferees authorize a substantial increase in funds for International Military Education and Training (IMET). It is the conferees' expectation that the administration will use these additional funds to support the process of rapprochement between Greece and Turkey. Specifically, the conferees urge the administration to ensure that $1,000,000 of the additional resources, evenly divided between the two countries, is used for joint professional military education of Greek and Turkish officers. The conferees note that this type of training will build personal relationships between the militaries of these two important NATO allies, and will reinforce the process that is already underway.

ASSISTANCE FOR ISRAEL

Section 513, which has been modified from the Senate proposal, sets into place the formula for a phase-out of annual U.S. Economic Support Funds to Israel. Operating from a baseline of $1.2 billion ESF per annum, beginning in FY 1999, the United States and Israel agreed to a plan whereby Israel's annual economic assistance would be reduced in equal increments of 10 percent (equivalent to $120,000,000 per annum), resulting in the ultimate elimination of ESF for Israel. In order to ensure Israel's continued security in the face of the loss of annual economic support, Israel requested—and the United States agreed to—an annual increase

in Foreign Military Finance equal to half the reduced ESF amount (or $60,000,000). Section 513 authorizes this process for both fiscal years 2001 and 2002, and will result in an aggregate reduction in authorized foreign assistance of $120,000,000. Specifically, this section authorizes $1,980,000,000 for fiscal year 2001 and $2,040,000,000 for fiscal year 2002 in FMF. The administration's request for fiscal year 2001 is $1,980,000,000.

The authorization provided by the section is without prejudice to any rescissions or supplemental appropriations which might be required. The conferees intend for this formula for the reduction of Israel's ESF be in place through fiscal year 2008, and intend to authorize accordingly in future Acts.

In addition, this section directs that FMF funds for Israel for fiscal year 2001 be disbursed not later than 30 days after enactment of this Act or on October 31, 2000, whichever is later. To the extent that Israel makes a request, FMF funds shall, as agreed by Israel and the United States, be available for advanced weapons systems. Additionally, not less than $520,000,000 can be used for procurement in Israel of defense articles and defense services, including research and development. The conferees expect that Israel's annual aid package will be provided under the usual terms, including early disbursal of both ESF and FMF, offshore procurement, and that the aid will be provided in the form of a grant.

The conferees will view favorably additional requests for authority required in the event of a peace agreement in the Middle East.

ASSISTANCE FOR EGYPT

Section 514, which has been modified from the Senate proposal, provides a similar formula for Egypt as that applied under Section 513. In providing an authorization for ESF to Egypt for fiscal years 2001 and 2002, Section 514 sets in place the phase-out of Economic Support Funds for Egypt at a rate of $40,000,000 per year. This section, which also contains a two-year authorization for FMF, will result in an aggregate reduction of $80,000,000 in ESF. The authorization provided by the section is without prejudice to any rescissions or supplemental appropriations which might be required.

Further, the section directs that FMF estimated to be outlayed during fiscal year 2001 shall be disbursed to an interest bearing account for Egypt in the Federal Reserve Bank of New York. However, withdrawal of funds from the account can be made only on authenticated instructions from the Defense Finance and Accounting Service and, in the event that the interest bearing account is closed, the balance of the account is to be transferred promptly to the appropriations account for Foreign Military Financing. The conferees urge that before any of the interest accrued by the account is obligated, the Committees on Appropriations and Foreign Relations of the Senate, and the Committees on Appropriations and International Relations of the House, be notified.

SECURITY ASSISTANCE FOR CERTAIN COUNTIES

Section 515, which has been modified from the Senate proposal, provides individual authorizations for fiscal years 2001 and 2002 of grant FMF and IMET funding for various countries.

BORDER SECURITY AND TERRITORIAL INDEPENDENCE

Section 516, which has been modified from the Senate proposal, provides an integrated authorization of security assistance funds for the GUUAM countries (e.g., Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) and Armenia. Specifically, for fiscal year 2001, Section 516 authorizes a package of $5,000,000 in grant FMF, $2,000,000 in nonproliferation and export control assistance, $500,000 in IMET funding, and $1,000,000 in antiterrorism assistance. For fiscal year 2002, that package is: $20,000,000 in grant FMF, $10,000,000 in nonproliferation and export control assistance, $5,000,000 in IMET funding, and $2,000,000 in antiterrorism assistance. These funds must be expended in accordance with the individual requirements of their respective accounts. Thus, for instance, the grant FMF may only be utilized for activities authorized in connection with the FMF program. Likewise, nonproliferation and export control funds must be spent on the objectives set forth under Chapter 9 of the Foreign Assistance Act of 1961. Similar restrictions apply to the other authorized forms of security assistance. Thus, as assistance to Azerbaijan under this section is still subject to section 907 of the FREEDOM Support Act, such assistance may be provided only for antiterrorism or nonproliferation and export control purposes.

The funds authorized under Section 516 must be spent for the purpose of assisting the GUUAM countries and Armenia in strengthening control of their borders, and for the purpose of promoting the independence and territorial sovereignty of these countries. These funds also are specifically authorized, pursuant to Section 499C of the Foreign Assistance Act of 1961, for the purpose of enhancing the abilities of the national border guards, coast guard, and customs officials of the GUUAM countries and Armenia to secure their borders against narcotics trafficking, proliferation, and transnational organized crime. The conferees intend that funds authorized by this section be used in Uzbekistan solely for nonproliferation purposes. Finally, it bears emphasizing that the conferees strongly support the cooperation on political, security, and economic matters promoted and facilitated through the GUUAM group. The United States should promote these endeavors as part of its strategy to help these states consolidate their independence and strengthen their sovereignty, to help resolve and prevent conflicts in their respective regions, and to promote democracy and human rights. In addition, the conferees strongly support political, security, and economic cooperation between the United States and Armenia.

Finally, the conferees note the successes of the Department of Defense's two international counterproliferation programs—the DOD/FBI Counterproliferation Program and the DOD/Customs Counterproliferation Program. With minimal funding, and through excellent management, these programs are contributing to efforts to halt the spread of dangerous technology across the borders of the former Soviet Union, Eastern and Central Europe, and the Baltic states. The conferees hope that the Department of Defense will continue to support these programs and recommend that the Department of State coordinate closely with the Department of Defense on proliferation matters.

TITLE VI—TRANSFERS OF NAVAL VESSELS

AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Section 601 of the conference agreement, similar in the House and Senate proposals, provides authority to the President to transfer twelve naval vessels to Brazil, Chile, Greece, and Turkey. These naval vessels either displace in excess of 3,000 tons, or are less than 20 years of age. Therefore statutory approval for the transfers is required under 10 U.S.C. 7307(a). The two PERRY class frigates proposed for transfer to Turkey under lease/sale authority were approved by Congress to be transferred to Turkey by sale in the fiscal year 2000 shop transfer legislation. Because of Turkish financial uncertainties caused by recent natural disasters, however, this proposal, which is in addition to the sale authority previously granted, is needed to give Turkey some flexibility in determining the most appropriate means to acquire the ships. Two KNOX class frigates are proposed in this section to be transferred to Greece on a grant basis.

INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES

Section 602 of the conference agreement, similar in the House and Senate proposals, ensures that the value of naval vessels authorized for transfer by grant by this Act will not be included in determining the aggregate value of transferred excess defense articles.

COSTS OF TRANSFERS

Section 603 of the conference agreement, identical in the House and Senate proposals, provides that all costs are to be borne by the foreign recipients, including fleet turnover costs, maintenance, repairs, and training.

CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS

Section 604 of the conference agreement, identical in the House and Senate proposals, authorizes the transfer of high value ships on a combined lease-sale basis under Section 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761 respectively).

FUNDING OF CERTAIN COSTS OF TRANSFERS

Section 605 of the conference agreement, identical in the House and Senate proposals, provides authorization for the appropriation of funds that may be necessary for the costs of the combined lease-sale transfers in order to satisfy the requirements of 2 U.S.C. 661c. These funds are authorized to be appropriated into the Defense Vessels Transfer Program Account, which was established in the fiscal year 1999 transfer legislation.

REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS

Section 606 of the conference agreement, proposed by the House, requires the President, to the maximum extent practicable, to ensure that repair and refurbishment of naval vessels authorized for transfer under this title is performed in U.S. shipyards, including U.S. Navy shipyards.

SENSE OF CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS

Section 607 of the conference agreement, proposed by the House, expresses the sense of Congress that naval vessels authorized for transfer to foreign countries on a grant basis under section 516 of the Foreign Assistance Act should be transferred only if the U.S. receives appropriate benefits from such countries.

EXPIRATION OF AUTHORITY

Section 608 of the conference agreement, identical in the House and Senate proposals, provides that the transfers authorized by this Act must be executed within two years of the date of enactment. This allows a reasonable opportunity for agreement on terms and for execution of the transfer.

TITLE VII—MISCELLANEOUS PROVISIONS

UTILIZATION OF DEFENSE ARTICLES AND SERVICES

Section 701, proposed by the Senate, amends Section 502 of the Foreign Assistance

Act of 1961 to make clear that defense articles and services may be furnished by the United States to foreign nations for antiterrorism or nonproliferation purposes (in addition to other currently authorized purposes).

ANNUAL MILITARY ASSISTANCE REPORT

Section 702 of the conference agreement, proposed by the House, requires the State Department to include information in the annual military assistance report required by section 655 of the Foreign Assistance Act which identifies the quantity of exports of weapons furnished on a direct commercial sales basis. The so-called ''655 report'' provides a timely and comprehensive account of U.S. arms transfers. This provision will close a long-standing gap by ensuring that the State Department provides information not only on the quantity of approved licenses for Direct Commercial Sales (DCS) but also on the quantity of actual deliveries of weapons exported pursuant to the DCS authority during the fiscal year covered by the report, specifying, if necessary, whether such deliveries were licensed in preceding fiscal year.

REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM

Section 703 of the conference agreement, proposed by the House, requires the President to submit a report on the status of efforts by the Defense Security Cooperation Agency (DSCA) to implement its plan to enhance end-use monitoring on government-to-government arms transfers to foreign countries.

The conferees direct the State Department to provide DSCA complete copies of all end-use violation and prior consent reports required under section 3 of the Arms Export Control Act.

MTCR REPORT TRANSMITTAL

Section 704 includes the Senate Committee on Banking in an infrequent report required under the Arms Export Control Act.

STINGER MISSILES IN THE PERSIAN GULF REGION

Section 705, proposed by the Senate, permits the replacement, on a one-for-one basis, of Stinger missiles possessed by Bahrain and Saudi Arabia that are nearing the scheduled expiration of their shelf-life.

SENSE OF CONGRESS REGARDING EXCESS DEFENSE ARTICLES

Section 706, proposed by the Senate, calls on the President to sell more defense articles, rather than merely give them away, using the authority provided under Section 21 of the Arms Export Control Act. It urges the President to use the flexibility afforded by Section 47 of that Act to determine that ''market value'' of Excess Defense Articles and to sell such items at a price that can be negotiated. When the Department of Defense uses too rigid a definition of ''market value,'' and that price cannot be commanded, the item is instead transferred on a ''grant'' basis pursuant to Section 516 of the Foreign Assistance Act of 1961, thereby forgoing revenues. This section encourages the Department of Defense to ascertain the ''market value'' on the basis of local market conditions rather than solely on the basis of a generic formula applied by the Department of Defense for accounting purposes.

EXCESS DEFENSE ARTICLES FOR MONGOLIA

Section 707 of the Conference agreement, which has been modified from the House proposal, provides authority to furnish grant excess defense articles (EDA) and services to Mongolia for fiscal years 2001 and 2002. Unfortunately, given the weak nature of its national economy, which has led to difficulty in funding its military budget, Mongolia cannot afford the cost of packing, crating, handling, and transportation of EDA, even if the EDA itself is provided at no cost. Section 707 provides the Department of Defense with the authority to absorb the cost of transporting EDA to Mongolia, thereby allowing the receipt of much needed equipment. However, the Committee intends to continue the practice of requiring from the Department of Defense a detailed description of such costs in each proposed transfer. Were such costs to grow beyond a reasonable level, the Committee's continued support for such authorities would be jeopardized.

SPACE COOPERATION WITH RUSSIAN PERSONS

Section 708 has been modified from the Senate proposal. This section amends the Arms Export Control Act, provides for increased reporting and certification to Congress, and expands the ability of the President to regulate missile-related cooperation by providing him with the discretionary authority to terminate contracts in the event that he determines that a violation of the MTCR sanctions law (Section 13(a)(1) of the Arms Export Control Act) has occurred.

Currently, Chapter 7 of the Arms Export Control Act imposes mandatory sanctions on proliferating entities. However, those sanctions apply only to prospective licenses and contracts. The authority does not exist, within Chapter 7, to terminate an existing license in the event that an individual has been discovered to have proliferated missile technology subsequent to the granting of the license. This deficiency became apparent in discussions with the administration regarding the proposed co-production arrangement between Lockheed Martin and a Russian rocket-engine firm, NPO Energomash. Section 708 provides that missing authority to the President, should he choose to utilize it. It is important to underscore that this authority is completely discretionary.

Section 708 also requires the President to make an annual certification to the Committee that various Russian space and missile entities doing business with the United States are not identified in the report required pursuant to the Iran Nonproliferation Act of 2000. These certifications must be made annually for the first five years of a license between a U.S. firm and a Russian entity (or for the life of the license, if less than five years). However, there is no penalty in the event that a certification cannot be made (presumably because the person or entity has been listed in the report). The MTCR sanctions law only operates in the event that the President makes a formal determination that a transfer, or a conspiracy to transfer, occurred. While the certification required under Section 708 does not go beyond the annual report that the President is required to submit to Congress under the Iran Nonproliferation Act of 2000, it is nevertheless useful because it will ensure that the Department of State continues to focus on Russian entities doing business with the United States. This provision is also intended to encourage U.S. companies working with Russian space entities to maintain pressure on their counterparts not to proliferate technology to Iran.

Finally, Section 708 rectifies an unintended reporting loophole in the Arms Export Control Act that resulted from amendments to integrate the Arms Control and Disarmament Agency within the Department of State and a subsequent decision by the Department of State on licensing technical exchanges and brokering services under Section 36 of the AECA. Specifically, for MTCR-related transfers governed under Section 36(b) and (c) which fall below the Congressional notification threshold, the administration currently must nevertheless submit a report to the Committee explaining the consistency of such a transfer with U.S. MTCR policy. However, MTCR-related licenses covered by Section 36(d) which fall below the notification threshold are not captured fully by this reporting requirement. Section 708 rectifies this problem.

SEENSE OF CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES

Section 709 of the conference agreement, proposed by the House, expresses the sense of the Congress that the U.S. should work with the Government of the Philippines to enable them to procure certain military equipment to upgrade the capabilities and improve the quality of life of the armed forces of the Philippines.

WAIVER OF CERTAIN COSTS

Section 710 of the conference agreement, proposed by the House, waives the requirement to collect certain nonrecurring charges associated with the government-to-government sale of 5 UH–60L helicopters to Colombia in November of 1999.

BENJAMIN A. GILMAN,
BILL GOODLING,
SAM GEJDENSON,
Managers on the Part of the House.

JESSE HELMS,
RICHARD G. LUGAR,
CHUCK HAGEL,
JOE BIDEN,
PAUL S. SARBANES,
Managers on the Part of the Senate.

IMPACT AID THEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Madam Speaker, something pretty positive happened in Hyattsville, Maryland that I want to discuss; it happened particularly at a Chevrolet dealership, at the Lustine Chevrolet dealership. It was there that a sales agent happened upon a scandal that affects the United States Department of Education, a theft of about $2 million that this sales agent stumbled upon and called the FBI, and it resulted in a hearing that was conducted earlier today in the Committee on Education and the Workforce; specifically, the Subcommittee on Oversight and Investigations.

The Justice Department, back in July of 2000, filed a claim in Federal court that Impact Aid funds, these are the funds that are sent to assist districts responsible for educating children connected with Federal facilities; military installations usually, sometimes Indian reservations, that these Impact Aid funds intended for two school districts in South Dakota were stolen on March 31 of this year. These alleged facts were presented in the Justice Department's complaint for forfeiture, which it filed in order to recover the stolen money and property

and try to get these dollars back to the children in South Dakota.

Here is how it worked. There was a falsified, direct deposit sign-up form for the Bennett County, South Dakota school district that was submitted to the Department of Education on March 20 of this year, and on the form, the deposit bank account was changed from the correct bank account number, which was used by the school district, to a number under the name of Dany Enterprises. The Department of Education employee entered these forms and this false information into the agency's electronic accounting system. Consequently, the Impact Aid forms were wired on March 31 to the Dany Enterprises bank account, to the thief's bank account.

Now, this fraud was discovered thereafter on April 4 when a salesperson at the Chevrolet dealership in Hyattsville, Maryland, when he contacted the FBI to report this suspicious transaction involving two men trying to buy a Chevy vehicle with a $48,000 cashier's check, drawing on the stolen funds from the U.S. Department of Education that were deposited in the thief's account, Dany Enterprises account. The salesman was alerted by what appeared to be false credit information.

Now, although this Chevrolet salesman refused to sell the two men the car, they were each successful in purchasing a car from other dealers in the Washington, D.C. area. Now, one of them purchased a 2000 Cadillac Escalade from a Cadillac dealer using a $46,900 cashier's check, and the other person purchased a Lincoln Navigator from a Lincoln-Mercury dealer, using a $50,000 cashier's check. These checks were used to buy both of these cars and they drew on the stolen funds from the Department of Education which were intended to go to the school in South Dakota.

Madam Speaker, I mention all of this because the Subcommittee on Oversight and Investigation has been working very hard to try to divert dollars away from the waste, fraud and abuse that is rampant over in the Department and move these dollars back to our classrooms where they benefit children.

The story did not end there, because following these revelations, the FBI found another example of where another cash transaction, this time almost $1 million which was intended for another South Dakota school district was again stolen out of these Impact Aid funds and wired to an account called Children's Cottage, Incorporated, due to another fraudulently submitted direct deposit form. This was used to buy a house as it turns out somewhere here in the Maryland area.

Now, this committee hearing that we had today was one of an ongoing series of committee hearings that we have initiated to uncover and explore the theft, fraud and abuse and waste in the Department of Education. We have also been learning about a computer theft ring where Department of Education employees have come up with this elaborate system where they have stolen television sets, electronic equipment, and so on and so forth.

Madam Speaker, we are spending as a Congress about $40 million a year for various investigators, financial auditors, other investigators that are working over in the Department of Education to try to help us stop this waste, fraud and abuse within the Department of Education and to help us get these dollars to our children and classrooms where these dollars matter most. But in this case, we are thankful for the car agent who did what the high-priced auditors were unable to do, and in this case, it has a very positive ending. He has reunited these almost $2 million with the children of South Dakota who need them. I wanted to bring that to the attention of my colleagues.

PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Madam Speaker, I rise this evening to command the attention of my colleagues to a potentially deadly and amazingly overlooked aspect of public safety, the construction of oil and natural gas pipelines in America.

Unbeknownst to millions of Americans, their homes, their schools and communities are sitting atop hundreds of miles of pipelines that may explode at any moment if not properly constructed or if not properly maintained.

We all received a rude awakening to the likelihood of tragedy this past August. A pipeline exploded one August morning on a camping ground in Carlsbad, New Mexico, taking the lives of 11 men, women and children. Our Speaker pro tempore knows firsthand of this tragedy. Forty-eight hours later, on the other side of the country, a bulldozer ruptured a gas pipeline on a construction site in North Carolina. Luckily, no serious injuries were reported there. Of the 226 people that died between 1989 and 1998, according to a report issued by the General Accounting Office, these were some of 1030 who were injured, $700 million in property was damaged. This is unbelievable. It is unacceptable.

Madam Speaker, it is time for Congress to demand that the office of pipeline safety within the Department of Transportation do their job. Periodic pipeline inspections, rigorously report pipeline spills.

Let me give my colleagues an idea about the status of pipeline safety, Madam Speaker, in the United States right now. All of the Nation's natural gas, in about 65 percent of crude and refined oil, travel through a network of nearly 2.2 million miles of pipes. These pipelines need constant attention and repair to remain safe. Over 6.3 million gallons of oil and other hazardous liquids are reportedly released from pipelines on the average each year.

□ 1915

Yet the incidence of spills and explosions is getting worse. The amount of oil and other hazardous liquids released per incident has been increasing since 1993. The average amount released from a pipeline spill in 1998 was over 45,000 gallons.

Oil pipeline leaks can and do contaminate drinking water, crops, residential land. They generate greenhouse gases, kill fish, cause deaths and injuries from explosions and fires.

For one, there is little or no enforcement of existing regulations. The General Accounting Office found that the Office of Pipeline Safety had not enforced 22 of the 49 safety regulations that are already on the book. And right now there are pipelines, natural gas pipelines, starting all over America. Some of these pipelines are going through college dormitories in my own State of New Jersey; going through people's residential areas in Pennsylvania and Ohio. And I say there is something wrong. This was a wilderness area. These people were fishing in New Mexico. This was not a densely populated area when 11 Americans were killed.

The Office of Pipeline Safety has not acted on many National Transportation Safety Board recommendations for more stringent pipeline standards. This sort of inattention is mysterious. Why would the agency, whose sole purpose it is to regulate and monitor these pipelines, keep them safe, be so uninterested in their duties? It is enough to make me wonder if there is collusion of some kind going on behind the scenes. Why else would this Federal agency be so lax in enforcing its own regulations?

Madam Speaker, this inaction of the Office of Pipeline Safety will not be excused by this Congress. We cannot forgive the lack of pipeline safety and enforcement. As an original cosponsor of H.R. 4792 with the gentleman from Washington (Mr. INSLEE), who we will hear from later, I beg of the Speaker to use her influence to get some real safety regulations. They are not being adhered to. People's lives are in jeopardy.

Madam Speaker, I submit for the RECORD a newspaper article regarding a pipeline rupture in Paterson, New Jersey.

[From the Herald News]

GAS LINE RUPTURE FORCES EVACUATION IN PATERSON

(By Robert Ratish and Eileen Markey)

PATERSON.—Workers digging up a roadway on Governor and Straight streets hit a natural gas line Monday morning, releasing

fumes and forcing the evacuation of 82 residents in 15 to 20 buildings.

Police cordoned off four blocks surrounding the break for about three hours while crews from Public Service Electric & Gas Co. worked to shut off the gas. Meanwhile, those who live in the neighborhood waited outside until emergency crews deemed the area safe. ''You could hear a roaring sound. It sounded like a train,'' Councilwoman Vera Ames said. She said a thick smell of gas filled the area surrounding the break.

There were no injuries, and no buildings were damaged.

The break occurred as workers with the Passaic Valley Water Commission were using a backhoe to break through the street. The crew had been shutting off a water line leading into a building, said Chief Engineer Jim Duprey.

Duprey said the accident occurred because PSE&G failed to mark the road properly for underground lines. ''When Public Service went to mark out, they indicated there was no piping in the area that was excavated,'' he said.

Before digging, the commission called a hotline maintained by the state Board of Public Utilities as required by the 1995 ''One Call'' law, Duprey said. The hotline allows agencies to make one call and have all of the appropriate utilities mark underground lines.

A spokesman for PSE&G said the utility was investigating whether the gas line was properly marked.

After hitting the line, a PVWC worker flagged down a passing officer at about 10:35 a.m., police said. Police were advised to turn off the lights on patrol cars and not leave any engines running for fear of sparking the gas fumes.

''It was very dangerous. The pressure was just phenomenal,'' Mayor Martin G. Barnes said.

Roger Soto, a service technician at PSE&G, stopped at each building on Harrison Street telling workers to stay outside their buildings.

''We want to make sure that no one is operating any equipment or any kind of engine,'' he said. ''We're just securing the area, making sure everybody is safe.''

The chief of emergency management, James Sparano, said even police and fire equipment posed a danger. ''You'll notice even our emergency vehicles are staying way back—anything can spark it,'' he said.

As firefighters and emergency medical technicians stood by, 22 young children attending Bethel Christian Childcare on Auburn Street were evacuated to School 6, where they stayed until it was safe to return.

* * *

WASTE, FRAUD AND ABUSE IN THE DEPARTMENT OF EDUCATION

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, as my colleague earlier this evening talked about, today we had a hearing in the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce doing oversight hearings on the Department of Education. Let me just put this in context for my colleagues.

In 1998 and 1999, the Department of Education failed its financial audit. That means that the independent auditors who came in and took a look at the financial records of the Department of Education indicated that the way the numbers were presented and the background, the records that the Department of Education has, the procedures that it has in place and the interim controls that it has in place, gave the auditors some reason of doubt that the way the numbers were actually presented in the financial statements perhaps did not accurately reflect the expenditures and the flow of revenue throughout the Department.

Coming from the private sector, I know that when the financial auditors come in and put some disclaimers in or do not give an organization a clean bill of health, it sets off a number of alarm bells. Because, basically, what the auditors are saying is that in this environment, without the proper financial controls in place, an environment is created that is ripe for waste, fraud, and abuse. Over the last 18 months, as we have been taking a look at this problem within the Department of Education, we have come across a number of cases where the predictions from the auditors have actually been borne out, and it is very, very disappointing.

Today, we talked about basically what some would characterize as an embezzlement scheme of roughly $1.9 million out of the Impact Aid funds that were diverted into individuals' or small companies' checking accounts. And, again, this was not caught by the internal controls within the Department of Education, this was caught by a car salesman who grew suspicious with somebody coming in and buying or attempting to buy a very expensive automobile.

We know about the theft ring. Three people have pled guilty, another three have pleadings before the court, and there are a number of employees within the Department of Education that are suspended without pay. This is a $300,000 theft ring. The material products they brought in were anything from a 61-inch television to computers to VCRs to a whole series of other electronic equipment. It also includes up to $600,000 of false billable overtime, time that was billed, time that was paid, but time that was never worked.

We also know of at least one other major theft ring within the Department of Education that we are not at liberty to talk about because there are not public documents that have been released at this point in time. We also know that within the Department of Education the Inspector General has estimated that improper Pell Grant payments amounted to $177 million in one recent year.

We know that real decisions have real impact on real people. The $1.9 million embezzlement from the Impact Aid funds impacted directly two school districts in South Dakota. Another example. Thirty-nine students were recently awarded Jacob Javits scholarships. These are scholarships that are given to students who have excelled at the undergraduate level. The Education Department at the Federal level comes back and says that they have done such a good job, that the Federal Government is now going to fund 4 years of graduate school. That is great news for those young people; that is great news for their parents; and that is great news for the undergraduate university that has fostered an environment that has allowed these kids to excel.

Just one problem: The Department of Education notified the wrong 39 students. Two days later they had to call back these young people and tell them, sorry, they were not the students that won.

We know that the Department of Education has made $150 million in duplicate payments in this current fiscal year alone. A duplicate payment is a vendor supplying an invoice for products and services that they have provided the Department of Education. A duplicate payment means they get paid once and they get paid again.

We have some serious problems at the Department of Education. At the same time that we have been looking at these kinds of problems within the Department of Education, we have also had the opportunity to travel around America and see what is working in education. We have been in roughly 21 different States, and what we have seen is some great education, reform and educational results happening at the local level.

What the Federal Government needs to learn in this issue is where we are only providing 7 percent of the money, but in some States we estimate that we are providing 50 percent of the paperwork, it is time for the Federal Government to step back and let the people who know our children's names decide what is best for our schools and for our kids. It is time to step back and to make sure that we get 95 cents of every Federal dollar invested in education, that we get 95 cents of every dollar back into the classroom.

It is time for us to remove the red tape which really restricts innovation at the local level. It is time for us to allow local school districts to decide whether they want to use money on technology, to hire teachers, to pay teachers more for teacher training or for investment in other projects. Allow people at the local level to make the decisions.

There is a lot of good things happening in education in America today. The focus needs to be on the local level and not here in Washington.

TRIBUTE TO GILBERT WOLF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I rise today to pay tribute to a good friend and a great American, Mr. Gilbert Wolf. On April 1 of this year, Gilbert Wolf retired as Director of the National Plastering Industry's Joint Apprenticeship Trust Fund and Administrator of the Plasterers and Cement Masons Job Corps Training Program. After 49 years in the industry, Mr. Wolf has left a legacy of superior skills training directed toward young people entering the construction trades.

A plasterer by trade, Mr. Wolf began his own career as an apprentice and went on to become a journeyman and then apprentice instructor. In 1969, he was instrumental in securing a contract with the Department of the Interior to train economically disadvantaged youth to become plasterers and cement masons. After a successful operation in three Job Corps centers, Mr. Wolf was awarded additional contracts with the Department of the Interior and labor. The Plasterers and Cement Masons Job Corps Training Program, under Gilbert Wolf's guidance, now boasts participation in 41 centers throughout the United States.

Training and motivating youth in careers in the construction industry has been Mr. Wolf's major focus for over four decades. He spearheaded several national events to bring the need for youth training to the forefront. Competition was one of his favorite themes. The result was three international apprenticeship competitions over a 5-year period; two Job Corps national competitions and countless skills demonstrations at trade shows and construction industry events throughout the United States. These events consistently showed the public the need for and the importance of solid skills training.

The Smithsonian Institute's famous Festival of Life became the setting for another national skills demonstration by Job Corps students from around the country. Mr. Wolf led the committees who organized the 2-week long festivals and won a spot on Good Morning America.

Mr. Wolf also coauthored papers on historical preservation and restoration with the Department of the Interior and the National Trust for Historical Preservation. A partnership with the NTHP brought opportunities for Job Corps students to learn and to work on important historical landmarks and to develop specialized skills.

Mr. Wolf also coauthored the Incentive Apprenticeship Training Course, which guides instructors through the process of training a number of people at multiple levels.

Gilbert Wolf is also credited with pushing hard to increase the number of women and other minorities into skills training and the construction industry. He was the first in the Job Corps to hire a woman as an instructor in a nontraditional trade.

When asked what has kept him going in this industry for the last 49 years, Mr. Wolf responded, where are the future skilled crafts people coming from, and who will train them? Passing a legacy of knowledge from one generation to the next is the backbone of our building industry. Young people are our only chance to keep building a strong America.

Madam Speaker, in closing, I want to express my own personal deep appreciation for the fact that Gilbert Wolf has been a mentor to my brother Roger and a valued friend to me. This Nation would be stronger and we would all be better people if more of us were more like Gil Wolf. I wish him a long, healthy, and happy retirement.

PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, in June 1999, a gasoline pipeline ruptured in Bellingham, Washington, and the ensuing fireball killed three young men. Following that tragedy, the House of Representatives did nothing.

Several months ago, a fuel pipeline ruptured by the Patuxent River in Maryland, spilling over 100,000 gallons of fuel, creating an environmental disaster. And following that disaster, the U.S. House of Representatives did nothing.

Several weeks ago in New Mexico, in Madam Speaker's own State, entire families were incinerated in a terrible tragedy due to a ruptured natural gas pipeline. And to date, despite many of our best efforts, the U.S. House of Representatives has done nothing.

□ 1930

This Chamber, despite this continuing toll of human loss and environmental loss, has not moved one bill through committee, has not moved one bill to the floor of the House of Representatives for a vote despite many of our bipartisan efforts to accomplish a meaningful bill this year.

Madam Speaker, I rise today to call on the House leadership to bring forward to this Chamber a meaningful, comprehensive, pipeline safety bill with real teeth. And we have several to choose from in the House. We have a bipartisan bill cosponsored by the gentleman from Washington (Mr. METCALF), a Republican from the Second District in Washington, and myself, H.R. 4558. I am a prime sponsor on a bill, House bill 4792, bills that will achieve something we have long needed in this country and that is statutorily codified inspection criteria to require that pipelines in this country are inspected on a regular basis to try to prevent these tragedies.

Now, why is that so important? It is important because the tradition in the last several decades here has been of abject failure. What has happened before is that when tragedies of this nature have occurred, the U.S. Congress has passed bills that have essentially deferred to an administrative agency, to the Office of Pipeline Safety, and have directed the Office of Pipeline Safety to adopt meaningful inspection criteria, to adopt meaningful training criteria for operators.

And what has happened despite those continued grants of discretion to the administrative agency? Well, what has happened is total failure.

In 1992, this Chamber required requirements to identify high-risk pipelines. And yet, in a new millennium, we still do not have a regulation or rule requiring that. We have the National Transportation Safety Board. It found "in 1987, the Safety Board recommended that the Office of Pipeline Safety require pipeline operators to periodically inspect their pipelines to identify corrosion, mechanical damage, or other time dependent defects that may prohibit their safe operations. Yet, 13 years after our initial recommendation was issued, there are no regulations that require pipeline operators to perform periodic inspections or tests to locate and assess whether this type of damage exists on other pipelines."

Thirteen years and yet we are on the cusp of a failure if we do not pass a bill that has a statutorily required maximum period between inspections.

Now, the other Chamber, Madam Speaker, has passed a bill that again requires and gives discretion to the Office of Pipeline Safety to act. Well, frankly, we need a tougher bill. We need to break this chain of failure in the U.S. Congress. We need to bring to the floor of this House a bill that will have a statutorily codified inspection regime to make sure that these pipelines are in fact inspected.

I believe we can obtain a bipartisan resolution and get a bill to conference committee relatively quickly to do that under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

There have been lots of discussions, and I believe we can find a bipartisan solution to this to make sure we pass a meaningful bill.

I want to address a couple of other things our bill needs to do if we are going to give Americans the confidence they deserve in their pipelines. Besides the inspection, we have got to pass a bill that has meaningful training requirements for the people who operate

these pipelines. They have to get a license to drive a truck with gasoline in this country. They have to get a license to fly an airplane. But they do not have to have any license or essentially any training requirements to operate a pipeline. It is time to require a meaningful training requirement for all operators.

Madam Speaker, I urge all of my colleagues to help this leadership bring these bills up for a vote.

TRIBUTE TO DR. JOHN B. DUFF, PRESIDENT OF COLUMBIA COLLEGE CHICAGO

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise today to pay tribute to Dr. John B. Duff, who is retiring as President of Columbia College Chicago after 8 successful years and an illustrious career in both academia and the public sector.

Prior to Columbia, Dr. Duff served as commissioner of the Chicago Public Library system, where he supervised construction of the Harold Washington Library, the world's largest public library. His academic positions include serving as the first chancellor of the Board of Regents from Massachusetts' newly reorganized system of public higher education; president of the University of Lowell, Massachusetts; and lay provost, executive vice president and processor of history at Seton Hall University.

Founded in 1890, Columbia College Chicago is an undergraduate and graduate college in downtown Chicago, dedicated to communication arts as well as media arts, applied and fine arts, theatrical and performing arts, and management and marketing arts. It is the fifth largest private institution of higher education in Illinois and the largest and most comprehensive arts media and communications college in the country.

More than one-third of Columbia's 9,000 students are minorities, the largest minority enrollment of any arts and communication institution in the country.

Columbia today is 50 percent larger than it was 9 years ago. In terms of physical space, under Dr. Duff's leadership, Columbia acquired 650,000 square feet. During this time, the first residence hall and new film stage facilities were opened, a new home for the music department was purchased, a new dance center was built, the 33 East Congress Building was purchased to house the English Department and the Radio Department, and Chicago's historic Ludington Building was acquired providing gallery space, student space, the Film/Video Department, and the Center for Book and Paper Arts.

The college has played a major role in the revitalization of the South Loop and, working with its neighbors, arts organizations, entrepreneurs and the city is spearheading the development of a Wabash Avenue Arts Corridor.

The growth of Columbia's faculty was also a priority for Dr. Duff during his tenure. The college added more than 100 full-time faculty positions to enhance curriculum development and management, to give more continuity to the educational programs, and to increase student contact with faculty.

Dr. Duff also reinforced the college's commitment to its students by strengthening developmental education programs, to help students stay in school and graduate. Open-admissions arts colleges are rare, but one as academically strong as Columbia is truly unique.

Today, thanks to Dr. Duff's leadership, Columbia remains secure in its mission and traditional commitments to opportunity, diversity, and professional education in the arts and communications.

Madam Speaker, I invite all Members of the House to join with me in recognizing Dr. John Duff's many contributions to higher education to the City of Chicago and to the State of Illinois and in wishing him and his wife, journalist Estelle Shanley, our very best as they join one-fifth of the rest of the population in this country and move out to California to spend the rest of their days.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Madam Speaker, I am honored today to join a number of my colleagues in celebrating National Historically Black Colleges and Universities Week.

The contributions made by HBCUs to the African American community, to our country, and to our culture cannot be overstated.

As President Clinton noted in proclaiming the week of September 17 as HBCU Week, ''Generations of African American educators, physicians, lawyers, scientists, and other professionals found at HBCUs the knowledge, experience and encouragement they needed to reach their full potential.''

The alumni rolls of HBCUs are very long. They include two very distinguished, extraordinary Americans, Martin Luther King, Jr., and Booker T. Washington. In addition, they include a number of my colleagues who will be joining me today.

Today, Madam Speaker, Historically Black Colleges and Universities comprise about three percent of all colleges and universities. However, they confer nearly 30 percent of all bachelor's degrees awarded each year to African Americans.

HBCUs, Historically Black Colleges, also confer the majority of bachelor's degrees and advance degrees awarded to black students in the physical sciences, mathematics, computer sciences, engineering, and education. More than half of all African American professionals, including 70 percent of African American dentists and physicians, graduated from Historically Black institutions.

The real story, Madam Speaker, that underlies these figures is the story of hope and opportunity. We cannot, we should not, we must not run from our history no matter how painful, no matter how disgraceful.

Before the Supreme Court's landmark decision in Brown v. Board of Education in 1954, African Americans were routinely and wrongly excluded from institutions of higher learning. It did not matter how smart they were. It did not matter how much talent or potential they had. The only thing, tragically, that mattered was the color of their skin.

But out of that rank injustice, that indefensible racism, was born a fortitude and a determination to rise above, to overcome, to overcome through education. Thus, the first black college, which is now known as Cheyney University in Cheyney, Pennsylvania, was founded in 1837.

To appreciate the magnitude of this, remember that Cheyney was created a full 28 years before the ratification of the 13th amendment established to train free blacks to become school teachers.

Today Cheyney is one of the 105 HBCUs that continue to serve with great pride as an avenue for African Americans to attend college and indeed for other Americans to attend college, as well.

Four of those Historically Black Colleges are located in the State of Maryland, including Bowie State University in my own district, which was founded in 1865. Bowie State University is the oldest Historically Black University in Maryland. The others, Madam Speaker, are Morgan State, Coppin State, both in Baltimore, and the University of Maryland Eastern Shore.

Shortly, I will be joined by my colleague, the gentleman from Maryland

(Mr. CUMMINGS), a graduate of Morgan State, who will join me in this special order.

I want to make specific note of the four presidents of those distinguished institutions: Dr. Calvin Burnett, president of Coppin State College; Dr. Earl Richardson, with whom I had the privilege of being today, president of Morgan State University; and Dr. Dolores Spikes, president of the University of Maryland Eastern Shore.

Our newest president is the president of Bowie State University, which I just mentioned, Dr. Calvin Lowe.

Madam Speaker, let me say, as a current member of the Board of Regents of the University of Maryland systems, as someone acutely interested in education and the needs of our youth, I see the manifest vision and the determination of HBCUs practically every day. I see it in the faces of the young people in my district who know that they will have the opportunity to develop their skills and talent, whether they choose Bowie State University, the University of Maryland College Park, or any other school. I see it in the faces of young professionals who have attended an HBCU and who are now working hard to build their careers and contribute to our society. And I see it in the faces of those here tonight who appreciate the unique role and history of Historically Black Colleges and Universities and who understand the importance of their continued vibrancy.

□ 1945

In the past 20 years, at least 10 Historically Black Colleges and Universities have closed. Others, Madam Speaker, face financial hardship. We have in my opinion in this House a duty to help them, and not just with dollars, though dollars are very important. The bottom line, adequate funding, will continue to be important. But we must also recognize, Madam Speaker, that our strength as a Nation lies not just in the quality of the University of Maryland at College Park or any of the other great universities but in the excellence of another great university, Bowie State, Morgan, Coppin, the University of Maryland Eastern Shore, and the institutions from which so many of our distinguished colleagues have graduated. We must realize that while we celebrate the University of North Carolina at Chapel Hill, we also must take joy in the accomplishments and excellence of North Carolina A&T.

Historically Black Colleges have strengthened our country and enriched our culture beyond measure. They have nurtured and fostered the talents of millions. And while they can take great pride in their glorious past, it is incumbent on all of us to ensure that they enjoy an even brighter future.

Madam Speaker, I had the opportunity of meeting with Dr. Richardson, as I said, and many other presidents of Historically Black Colleges. They brought up some critical issues with which this Congress must deal. I am sure that my colleagues will join me in doing so to ensure the continued vibrancy and success of these extraordinary institutions.

Madam Speaker, I am now privileged to yield to my good friend, distinguished colleague and graduate of Howard University. I said Morgan, but Howard, University. He is on the board of regents at Morgan State University, the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I want to thank him for this special order tonight with regard to our Nation's Historically Black Colleges and Universities. I also want to thank him as the former president of the State Senate in Maryland and now as a Member of this great body for all of the support he has given to our colleges in the State of Maryland and then of course to those throughout the United States as a Member of this body.

Many might ask, what is an HBCU? To clarify, the Higher Education Act of 1965 defines an HBCU as any historically black college or university that was established prior to 1964 whose principal mission was and is the education of black Americans. Earlier today, presidents, chancellors and representatives from HBCUs met with congressional leaders to identify opportunities to advance HBCUs. Throughout their history, HBCUs have served as emblems of excellence in higher education for African Americans.

Often acclaimed ''the salvation of black folks,'' HBCUs have engraved in American history the opportunity for freedom through education. There are 117 HBCUs, a mix of 4-year colleges and universities, community and junior colleges, public and private institutions, and technical schools. The benefits of an educational experience at an HBCU are significant and cannot be duplicated. Students develop intellectually and build life skills and personal confidence about their identity, heritage and mission to society.

Tonight, Madam Speaker, I would like to simply provide facts and figures that will give my colleagues an idea of how many lives have been impacted by HBCUs. Did you know that HBCUs have produced a large number of congressional representatives, State legislators, mayors, Federal and State judges, professors, teachers, doctors, lawyers, business leaders, activists, writers, musicians, actors, athletes and military leaders? Did you know that for more than 150 years HBCUs have enrolled less than 20 percent of African American undergraduates but, significantly, award one-third of all bachelor's degrees and a large number of the graduate and professional degrees?

During the second session of the 101st Congress at a hearing before the House Committee on Education and Labor entitled ''Issues and Matters Pertaining to Historically Black Colleges and Universities,'' former Congressman and current president and CEO of the United Negro College Fund, William Gray of Pennsylvania, said, ''HBCUs have performed a remarkable task, educating almost 40 percent of this country's black college graduates at either the graduate or undergraduate level, some 75 percent of all black Ph.D.s, 46 percent of all black business executives, 50 percent of all black engineers, 80 percent of all black Federal judges, and 85 percent of all black doctors.''

At that same hearing, U.S. Surgeon General David Satcher, who was then serving as president of Meharry Medical College, stated that ''historically black health professional schools have trained an estimated 40 percent of this Nation's black dentists, 40 percent of black physicians, 50 percent of black pharmacists, 75 percent of the Nation's black veterinarians.''

Again, these statistics speak volumes for the value of HBCUs in providing an opportunity for African Americans to participate and make contributions in all walks of life. This record of outstanding achievement comes despite daunting challenges, including limited financial resources, as the gentleman from Maryland (Mr. HOYER) talked about just a moment ago. In fact, I must note that in comparison with other colleges and universities, HBCUs are often underfunded. However, these institutions have maintained their commitment to excellence in higher education.

Locally, in my district of Baltimore, there are two HBCUs. Coppin State College has become a staple in the community, working with school children while also providing services to small businesses in cooperation with the Small Business Administration. It has also sponsored workshops, health fairs, concerts and other activities that enable the college to serve as a repository for African American culture. Coppin State also offers degree programs to prison inmates in urban and rural areas. This is just one example of an HBCU working to make their surrounding community more livable.

As President Clinton once said, ''Historically Black Colleges and Universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligations to uphold the principles of justice and equality enshrined in our Constitution.''

I believe that the information I have provided here tonight supports this notion. I again thank the gentleman for the special order.

Mr. HOYER. I thank the gentleman for his contribution. I also thank him for his service with Morgan State University, one of the great schools in this country and in our State, and also would mention that his alma mater, Howard, of course, has a particular relationship with the Federal Government; and we are very supportive of that institution, and Dr. Swygert is doing a very outstanding job as its leader.

Mr. CUMMINGS. I certainly agree with the gentleman on that one. That is why my daughter is a second-year student there at Howard.

Mr. HOYER. I appreciate that testimony. It is as strong a testimony as you can get. I thank the gentleman.

Madam Speaker, I yield to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I very much thank the gentleman for yielding. Moreover, I am very appreciative of the initiative that his involvement brings to this special order this evening. He is a member of our leadership. I think a special order led by him indicates, among other things, the attention and the importance of the Historically Black Colleges and Universities to our own minority leadership here in the House. I recognize that the majority has also given some considerable attention to Historically Black Colleges and Universities, and I want to thank them for that this evening as well. I am pleased that the gentleman from Missouri (Mr. GEPHARDT), the minority leader, has taken a lead in drawing in the Historically Black Colleges and Universities here this week when the President has declared this to be National Black Colleges and Universities Week, so that we could hear directly from them.

If I may say so, my own sister, a fourth generation Washingtonian like me, is president of a Historically Black College and University, Albany State University; so I suppose my own interest in this is also a family interest. She is a graduate of Miners Teachers College, now the University of the District of Columbia. My mother is a graduate of Howard University. I suppose it is very difficult for any African American who has gotten anywhere in life not to have in her family some indication that the HBCUs have touched their lives. I believe that this special order this evening is important for the way in which it illustrates the gentleman from Maryland's understanding of the continuing importance of these universities in the life and times of black America, the 23 States and the District of Columbia where they are located, almost half our States, 105 of them who bear a disproportionate share of the responsibility for higher education for African Americans. Because of that fact alone, these colleges and universities are deserving of all the attention we can give them. If they were to drop out of the higher education business tomorrow, black higher education in the United States of America would collapse. They give us, just at the bachelor's level, 28 percent of the bachelor's degree. They are only 3 percent of the colleges and universities in the United States of America. They are as vital as any network of institutions in our country.

Madam Speaker, I do want to speak about some new developments in the District of Columbia involving HBCUs. Of course, Howard University, in many ways the flagship university of black America, is located here. The gentleman from Maryland (Mr. HOYER) has indicated its special relationship to this Congress. When the slaves were freed, what they wanted most of all was access to education, and higher education. The Congress has had responsibility for Howard University in a very special way almost since the end of the Civil War.

Actually, we had two Historically Black Colleges and Universities here, the University of the District of Columbia as well as Howard University, the University of the District of Columbia being an amalgam of three Historically Black Colleges and Universities. But because of a wrinkle and mishap, the University of the District of Columbia was never funded as a Historically Black College and University.

I want to thank this body here this evening that when the D.C. College Tuition Act was passed, the University of the District of Columbia received its rightful status as a fully funded HBCU beginning in 1999. This was very important because this is the only publicly supported university in the District of Columbia, for its lack of vital funding, especially given the hard times the District has since gone through, was a matter of some considerable disadvantage to the District.

It is also, however, an open-admissions university. That means that, by definition, it is not the university for some of our youngsters. One size does not fit all. And so this body passed the D.C. College Tuition Access Act. This was a historic act, because for the first time it means that residents of the District of Columbia have what Maryland and Virginia, to point to our two neighbors, have had historically. Virginia has 58 public colleges and universities, I think Maryland has almost 30, and so you can choose which one fits you. The District had one. It was an open-admissions university. This gave us access to any public college or university anywhere in the United States of America, and in this its first year just begun in September, college attendance in the District of Columbia has been raised enormously. Already in the first year they have come. What it means is that the youngster and her family pays in-state tuition and the Federal Government picks up the rest.

What does that have to do with what we are celebrating here today? We have the preliminary figures about where these students are going. And I am here to report today that of the 10 universities most favored by D.C. students, and they could choose any universities that are publicly funded anywhere in the United States, six are Historically Black Colleges and Universities, the six most favored. And they are Howard, Norfolk State, Morgan, Hampton, Bowie State. There are a host of others. Delaware State. There are many in North Carolina. Now I am focusing only on the Historically Black Colleges and Universities. Private universities in the District and the region receive a stipend of $2,500 if the student chooses the private university. We have 150 students at Hampton, a private university, of course, one of the great Historically Black Colleges and Universities in Virginia.

□ 2000

Mr. Speaker, the fact that so many District youngsters, who finally have the gates open for them, choose any one they want have chosen HBCUs speaks for itself about the importance of these universities to African Americans.

Mr. Speaker, we are a microcosm of where black America is in their choices of higher education. They feel welcome. They feel these schools will help them get a degree, rather than simply attend a university. The dropout rates for whites and blacks who go to college in the United States is enormous. Many of our students come from very disadvantaged backgrounds. They need special attention.

They get that attention in the historically black colleges and universities. These universities have proven themselves to the students, to their families and to our country for generations. More students than ever now in the District of Columbia know the value since the way it has been opened to allow them to go to these universities. We are grateful for this opportunity. We are grateful for this body, for the leadership on this side of the aisle and the other side of the aisle that has opened the gates all over America to make up for the fact that we do not have the same access that other colleges and universities have.

We are grateful that we now have a funded HBCU here in the District of Columbia, the University of the District of Columbia, and above all we are grateful that the HBCUs are there for D.C. as they have been there for African Americans and for people of all backgrounds throughout their glorious history.

Mr. Speaker, I very much thank the gentleman from Maryland (Mr. HOYER) for yielding to me and I thank him once again for leadership on this issue as he has always shown leadership on

this issue and on other issues facing black America.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman very much. I appreciate the gentlewoman's remarks, and I believe her remarks were very cogent. I think it is a very significant fact that the six highest choices made by students in the District of Columbia who could go anywhere are historically black colleges, which speaks not only to the fulfillment of their mission, but to the quality of their work. So I thank her for her comments.

I yield to my very distinguished friend, the gentleman from Georgia (Mr. BISHOP), a graduate of one of the most distinguished educational institutions in America that is also a historically black college, Morehouse College.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, I want to express my appreciation to our distinguished colleagues, certainly the gentleman from Maryland (Mr. HOYER) and the gentleman from Maryland (Mr. CUMMINGS) for arranging this evening's special order in recognition of the contributions made by the country's historically black colleges and universities.

These 105 institutions located in the District of Columbia and in 23 States from New York to California began to emerge more than 140 years ago, thrusting open the doors of opportunity and promise for millions of African Americans. These centers of learning have enriched the lives of their students, their parents and families and the communities and the regions that they serve.

As a matter of fact, they have made contributions that have strengthened our entire country enriching the lives of all Americans. For me, this special order has a very personal meaning. I literally grew up within the environment of a historically black college. This was in Mobile, Alabama, and the college was Bishop State Community College, which got its start in 1927 as a branch of Alabama State Teachers College. In 1965, the branch, as it was called, gained its independence and became Mobile State Junior College where my father, Dr. Sanford D. Bishop, Sr., served as the first president.

My mother incidentally was the librarian at the college, and it was literally true that the campus and family life were very closely interwoven as I spent my formative years on and about the campus there.

In 1971, Mobile State became Bishop State Junior College by an act of the Alabama legislature and later Bishop State Community College in recognition of the leadership that my late father provided in building that college into the modern, flourishing institution that it has become. Today, it offers a wide variety of courses for our student enrollment that exceeds 4,000. A college that is recognized for its academic excellence and which is, perhaps, especially noted for turning out highly skilled health care professionals.

When I decided to attend college away from home, as many young people do, my choice was Morehouse College in Atlanta, my father's alma mater, an institution that had grown from a small Baptist school when founded in 1867 to become a part of a sprawling college complex, Atlanta University Center Complex, in providing studies in liberal arts, religion, philosophy, business administration and the sciences.

It is a place known for its leaders in the struggle to move our country closer to fulfilling its promise of freedom and opportunity for all from presidents like Dr. John Hope and Dr. Ben Mays to the most famous graduate, Dr. Martin Luther King, Jr., not to mention prominent leaders in the entertainment field like Spike Lee and Samuel L. Jackson.

Today I have the privilege of representing the Second Congressional District of Georgia, which is the home of Albany State University, where, as we have heard, Dr. Portia Holmes Shields serves as president. Dr. Shields is, of course, the sister of our own friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Albany State, which was founded 97 years ago as a Bible and vocational training institute, now serves a widespread area of southwest Georgia, and it provides a wide range of bachelor's and graduate degrees. I often visit the campus in Albany where I always gain energy and ideas and inspiration from the relationship that I have with the faculty and the students.

Albany State has implemented what it calls a total quality approach, where the academic achievement translates into both commitment to the community and the skills and knowledge needed to compete in the workplace. Incidentally, in 1994 and 1998, Albany State was submerged in water from the flooding of the Flint Rivers as a result of Tropical Storm Alberta. They developed a motto the Unsinkable Albany State, and they have rebounded, rebuilt and now have a new campus that is flourishing.

Also we have Fort Valley State University in Fort Valley, Georgia, which is one of the 1890 Land Grant Colleges, the only one in Georgia. It has provided agriculture, education and liberal arts training for many, many years with many prominent graduates who have excelled in business and politics and medicine and other fields of endeavor. My good friend Dr. Oscar Prater is the President there.

There are historically black colleges and universities throughout much of the school with records and achievement very similar with those that I am very familiar with from a relatively new facility such as LaGuardia Community College in New York City to the long-established Wilberforce University in Ohio which was founded in 1856, to Compton Community College founded in 1927.

All have made contributions that loom large as the history of the country continues to be written. Congratulations to everyone who has helped these colleges and universities carry out their historic mission, including everyone here in Congress on both sides of the aisle who have helped provide the increased support for our HBCUs.

Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) and my other colleagues for having the foresight to have this special order to give recognition that of course is long overdue to a group of institutions that have really contributed greatly to the greatness of America and the world. Godspeed to all of these institutions as they continue to help make this Nation's promise a full reality.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Georgia (Mr. BISHOP) for his comments. And as I was standing here, I thought to myself Sanford Bishop Sr. would indeed be proud of his son, a leading educator in our country. His father was a very distinguished American, and his son has become someone of whom his father would be indeed be extraordinarily proud. I thank the gentleman for his participation.

Mr. Speaker, I yield to my very good friend, the gentleman from Chicago, Illinois (Mr. RUSH), a distinguished representative, and one of the very significant leaders in our country for most, if not all, of his adult life.

Mr. RUSH. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER). I want to, first of all, commend the gentleman for his insightful leadership, for his dedication to the historical black colleges throughout his professional, political career. I want to thank him for the sensitivity of which he approaches this particular issue and really just his total dedication to the efforts of historical black colleges as they move to try to strengthen themselves and maintain their commitment and their mission to the American people.

The gentleman has an exemplary image and his exemplary conduct should be noted by all Americans, because he has indeed done this Nation a great service on behalf of its minority students throughout the country.

Mr. HOYER. I thank the gentleman.

Mr. RUSH. Mr. Speaker, Historically Black Colleges and Universities are important institutions of higher learning, growth and development for African Americans and minorities Nationwide.

These institutions offer quality education in collegiate settings that are conducive to education and economic excellence.

The students who attend these colleges are educated, without the deriding stumbling blocks, the deriding stumbling blocks of racial selection for grants and scholarships and loans. The institutions are free of racial, religious, and gender discrimination.

Historically Black Colleges and Universities graduate large numbers of African Americans who, as previous speakers have indicated, lead, very, very productive lives in our society, who are leaders in this Nation among all professions, and who are leaders in the world.

In my home state of Illinois, many of our African American students attend HBCUs. There are 23 States along with the District of Columbia and the Virgin Islands which are home to HBCUs. While these institutions are places where African Americans can flourish and people prepare for the challenges of the global village. There is an important problem which impacts the quality of their students and their professors, and that problem is finances, it is money. In the last decade, the Federal Government has increased its support of HBCUs, and although the House appropriators led by the gentleman from Maryland (Mr. HOYER) and others have worked hard to ensure that HBCUs have ready access to Federal dollars through the HBCU capital financing program, more work still needs to be done.

It is this commitment to excellence which has fueled this administration's, the Clinton administration, acknowledgment of the needs of the HBCUs. This commitment was exemplified on November 1, 1993, when President Bill Clinton signed an executive order 12876 in order, and I quote, ''to advance the developments of human potential, to strengthen the capacity of Historically Black Colleges and Universities to provide quality education, and to increase opportunities to participate in and benefit from Federal programs.''

I am proud that President Clinton has designated the week of September 17, 2000 as National Historic Black Colleges and Universities week. The administration, the Democratic leadership, the Congressional Black Caucus and the House Democratic Caucus have led in promoting awareness of the merits of these education institutions. It is with this leadership that this subject is discussed on the Floor today, and that our Nation is aware of the tremendous benefits and the success of attending HBCUs.

Mr. Speaker, I just want to say, on a personal note say that both the previous speakers before me mentioned Albany State University, Albany State University was the first college that I ever laid eyes on.

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As a young man, my mother attended Albany State University. I am a product of Albany, Georgia, and I cannot ever forget the awe and the delight and the sense of curiosity as a young man who was in kindergarten, going to a school right across the street from Albany State University, and to be excited about my first day in school, to look across the street, to be in the shadow of Albany State University, indeed imprinted on my mind that education was indeed the one thing that meant the most to me as a young man. As I grew into adulthood, education certainly became the hallmark of my activities.

I want to thank, again, the gentleman from Maryland (Mr. HOYER). I want to thank all of those who had a vision to create Historically Black Colleges and Universities, and I want to thank my mom for introducing me to education and to instill in me the yearning, the need, the desire to make sure that I received all that this Nation can provide in terms of college and higher education and higher learning.

Mr. HOYER. Mr. Speaker, I want to thank my friend, the gentleman from Illinois (Mr. RUSH), for his generous comments and also for his cogent comments with respect to the impact that Historically Black Colleges and Universities have had on young African Americans, instilled in them a sense of hope, a sense of opportunity, a sense of future. We know that if young people do not have a sense of future, as too many do today, that they do not work for a future. They work only for today. That inspiration that the gentleman's mother gave him and his exposure to Albany State has enriched us all in this country.

Mr. Speaker, I yield to my friend, the distinguished gentlewoman from the State of California, from Oakland, (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank and commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Maryland (Mr. CUMMINGS) for this special order tonight, and also for their consistent commitment and hard work on behalf of Historically Black Colleges and Universities. These institutions are so important to all of us, not only in the African American community but to all of us in the entire country.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Maryland.

Mr. HOYER. I was going to make this point later, but she gives me such an opening. We talk about these institutions giving extraordinary opportunities to African Americans, and they do. Bowie State University in my county is the place from which Christa McAuliffe graduated with her Master's degree. Christa McAuliffe, as some may recall, was the teacher in space who went up on the Challenger as it blew up and she died. She was one of Bowie State's most distinguished graduates, a Caucasian American but given an extraordinary opportunity through her attendance at and the receipt of a quality education at a Historically Black College.

Ms. LEE. That is quite a testimony; quite a testimony.

It is really an honor to be able to honor tonight our Nation's Historically Black Colleges and Universities. Malcolm X once declared that education is our passport to the future, for tomorrow belongs to the people who prepare for it today.

For over 150 years, Historically Black Colleges have provided these passports to their students. Although many African American scholars and leaders of the 19th and early 20th century disagreed about how African Americans would attain freedom and equality promised in our Constitution, they agreed, however, that educating young men and women was the most important step in succeeding in life.

Historically Black Colleges and Universities, also known as HBCUs, have always offered African American young men and women a quality, affordable education at times when access to institutions of higher learning were limited or completely closed off to African Americans. According to the Herald-Sun newspaper in North Carolina, HBCUs were actually first founded in 1837, 26 years before the end of slavery.

Since this humble beginning, HBCUs have become revered institutions of higher learning that have provided quality educational access to millions of African Americans.

According to the United States Department of Education, there are 105 accredited HBCUs in the United States. These institutions enroll upwards of 370,000 students each year. Since 1966, HBCUs have awarded approximately 500,000 undergraduate, graduate, and professional degrees. They are providers of equal educational opportunity with attainment and productivity for hundreds of thousands of students. They are educating our future world leaders.

Historically Black Colleges and Universities have never been more important in providing young men and women a superior education than they are today; and now in this new era of technology, we must ensure that our HBCUs receive the necessary support to educate and train young African Americans for these unfilled jobs in the high-tech industry. And now, in my home State of California, since the end, unfortunately, of affirmative action, as we know it was banned in 1998 by passing Proposition 209, California students have increasingly become more aware of the educational benefits

of attending a Historically Black College or University and many of my constituents are thriving and achieving academic excellence in these great schools.

Now, although I did not have the honor of attending an HBCU, I come from a family with deep roots at Historically Black Colleges and Universities. My grandfather graduated from Huston-Tillotson College in Austin, Texas; my role model, my mother, she attended Prairie View A&M and also Southern University; and my aunts followed in my grandfather's footsteps in attending Huston-Tillotson College. My nieces graduated from Prairie View A&M.

So I have really been the beneficiary of the values and the academic foundation provided me through my family's attendance and involvement at these great institutions.

Black colleges have a rich history to look back upon and a vibrant future ahead. I am proud to join my colleagues tonight in celebrating their many achievements and in so doing urge the United States Congress to redouble its efforts in supporting these fine institutions of higher learning.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) for her very important contribution and her giving us another example of an extraordinary American leader who has been impacted in her family and by the images and inspiration given by Historically Black Colleges and Universities.

We are advantaged by the service of the gentlewoman from California (Ms. LEE) in the Congress; and that, I am sure, is in part due to the inspiration she received by all of those who were enriched and given hope and opportunity and vision by Historically Black Colleges.

Mr. Speaker, I yield to the very distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding, but I also want to thank the gentleman for his display of sensitivity relative to taking out this special order and for recognizing the tremendous value of Historically Black Colleges and Universities. We have heard all of those who have spoken talk about the vast numbers of African Americans and others who have benefited from these institutions.

I, too, was fortunate to attend a Historically Black College, the University of Arkansas at Pine Bluff. As the gentlewoman from California (Ms. LEE) was talking about affordability, I can never forget on my 16th birthday going off to A&M College with $50 in my pocket wondering how I was going to make it.

As it turned out, the tuition was only $76 at that time, and I did have a $50 scholarship that the State of Arkansas gave to each of its high schools. So I only had to pay $26 of those $50. So I still had a little left over to play with.

The University of Arkansas at Pine Bluff has been an educational mecca for my family. I think of the numbers. I have four sisters who attended, two brothers, three nephews, two brothers-in-law and a whole group of cousins. So it has been not only an opportunity but it has been a propelling force in all of our lives.

It started with seven students; opened its doors in 1875 with seven students. Much of the character, though, of this institution has been shaped by outstanding administrators: J.C. Corbin, John Brown Watson, and then, of course, President Lawrence Arnett Davis, who we called Prexie, who was there when I was a student and now his son is following in his footsteps, Dr. Lawrence A. Davis, Jr.

Wherever I go in America, I always run into individuals who have excelled: physicians, nurses, under-secretaries of departments and agencies. As a matter of fact, the Secretary of Transportation, Rodney Slater's, mother-in-law and father-in-law, his mother-in-law was a colleague of mine. We were students together. His father-in-law was one of our advisors in a current events club. So these become very personal and very direct.

I would hope that we would understand what everybody has been saying. These institutions have existed, operated, oftentimes with little more than baling wire; but they cannot continue in that way. We seriously need to redouble our efforts and find additional resources, and I guarantee if one talks about getting a bang for your buck, if we put some more resources into the Historically Black Colleges and Universities, I guarantee we will be reaping the dividends and rewards for years and years and years.

So I thank the gentleman from Maryland (Mr. HOYER), again, for yielding me this time.

Mr. HOYER. I thank the gentleman for his comments. It is just extraordinarily interesting to learn of the history of families that have been impacted by HBCUs and the enrichment of those families being passed on to generations that then benefit so much their district, their State, and their Nation.

We very much appreciate his contribution and his recitation of not only his history but his family's history.

Mr. Speaker, I yield to the distinguished gentleman from Arkansas (Mr. DICKEY), who probably was interested in the history of the gentleman from Illinois (Mr. DAVIS).

Mr. DICKEY. Absolutely. I am from Pine Bluff, Arkansas. I grew up when Prexie Davis was the president of Arkansas A&M, and I cannot say I know as much about it from the inside as the gentleman from Illinois (Mr. DAVIS), who is one of their distinguished alumnus; but I do know that I saw it from the outside. I know that what that school did under Dr. Lawrence A. Davis was offer scholarships to people who could not even afford to get transportation to come to school. Some of those people learned how to learn at Arkansas A&M at Pine Bluff.

Then to advance forward, here I am in Congress and I am on a committee that the gentleman from Maryland (Mr. HOYER) and I serve on. We are midgets compared to Louis Stokes in this area, but we have been striving to add money to HBCUs because we want to present opportunities to people who want to learn and who care.

TRIO is a part of this plan, and I have gotten a lot of encouragements from Dr. Davis, Jr., about TRIO and we are doing our job there so that we can prepare people to come to school in places like UAPB and HBCUs all over the country. It is a great privilege for me to be a part of it, and I am going to continue on this committee striving hard to bring as much money as we can in a reasonable fashion for the benefit of the students who go to HBCUs all over the United States, but particularly at Pine Bluff, Arkansas.

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Mr. HOYER. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, it is now a great privilege of mine to yield to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), one of our most dynamic members of the House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to add my own personal accolades to the speakers who have given their eloquence before me and to the gentleman from Maryland (Mr. HOYER), in particular, along with the gentleman from Maryland (Mr. CUMMINGS), for the very significant and important opportunity we have been given for this Special Order.

Many times, people diminish or misinterpret Special Orders and do not see the ultimate importance of coming to this august body and speaking to our colleagues, as the gentleman from Arkansas has just done, speaking to America, about some very vital and important issues of concern, but also making important tributes. Let me thank the gentleman from Maryland for not only providing this opportunity for a tribute, but also for his legislative work and agenda of showing himself to be a true friend of HBCUs.

Let me ask the question, since we are here together: What if? I think the gentleman from Maryland made a very valid point, as we have listened to some of the very charging stories of my colleagues. This was a very instructive experience for me, listening to sons and daughters of presidents and heroes and sheroes of our historically black colleges, right here in the House of Representatives, now the legacies of the

teachings of those colleges are now here passing laws. What an honor. I think it again emphasizes that the colleges are more than places of refuge for individuals who can go nowhere else, though they were born in a segregated history, which we are very proud of. I have the honor and pleasure of representing Texas Southern University, being the neighbor to Prairie View A&M, and being on the board of directors of Oakwood College in Huntsville, Alabama. So I have a familial relationship.

Although I did not have the honor or the distinct pleasure of going to or attending an historically black college, I can certainly name a whole list of relatives and extended family members who have had the honor and pleasure of associating themselves with these institutions. My father-in-law, Philip Lee, now passed, was a Tuskegee airman and a very proud graduate of Hampton Institute, now university, along with his dear wife, who still lives. I had the pleasure of being able to point my younger brother, Michael Jackson, to the Oakwood Academy in Huntsville, Alabama. And, of course, the predecessors of this seat, the esteemed and honorable Barbara Jordan, Mickey Leeland and Craig Washington were all respective graduates of Texas Southern University, and I certainly count them as colleagues and friends. So the 23 States, along with the District of Columbia and the Virgin Islands, are further homes to the HBCUs.

Mr. Speaker, I raise the question as I speak this evening, what if? What if we did not have these places of intellectual stimulation where Booker T. Washington could not debate with W.E.B. Du Bois about the question of lifting up your buckets where they were, versus having the Talented Tenth as W. Du Bois argued, what an excellent and outstanding intellectual debate.

I think those of us who look back on history realize that there was no anger between those two gentlemen; they were only seeking to lift the recently freed slaves where they could best serve. Booker T. Washington, who founded Tuskegee Institute, thought it was important for us to learn how to be carpenters and artisans, for us to know how to build and to be plumbers, and to use our hands. He knew that slaves had just come off of the plantations, we had worked with our hands, and he wanted us to be economically independent and he saw a vehicle to do so, teach them to build this Nation with their hands and to be remunerated, to be compensated.

Also, the same with W.E.B. Du Bois, a Harvard proponent and graduate, saw that it was necessary to take the Talented Tenth and to lift them from the buckets and send them to the East Coast at that time, primarily because there were no institutions, at least of plentiful numbers, that could educate the Talented Tenth and have them be available to be the philosophers and the articulators of the agenda of the new Negro for the 20th century as we went into the 21th century.

So I ask the question, what if? What if these institutions had not survived or not carried us through the segregated 20th century when many African Americans could not be educated anyplace else. Particularly in the State of Texas and in the Deep South, there were no places for the Talented Tenth or those who wanted to lift their buckets where they were to be educated, and these schools saw fit to take up the cause.

As we moved through the 20th century, of course, as we saw the movement of A. Philip Randolph and Witney Young, and then we moved into the 1950s and saw a young man, a graduate of Morehouse College, rise to the occasion to be the visionary of the civil rights movement, Dr. Martin Luther King. His original training, or his basic training was that of a minister, but he saw fit to carry the vision of that movement, and it was his leadership that drew young people out of institutions all over this country, both white and black, but I believe that historically black colleges fueled the movement of which he led that brought young people from those institutions, because they lived in the segregated South and they said, what can we do to begin to follow Dr. Martin Luther King, and there lie the sit-ins and, of course, the marches joined by young people all over the Nation.

Mr. Speaker, I think we have had a special week and I have enjoyed participating with the gentleman from Maryland (Mr. HOYER) this week, as the President has named this week in honor of historically black colleges. We were gratified to have the Democratic Caucus host I imagine over 100 leaders of these colleges. They came to petition us to have us listen to them and to have us share our vision with them.

I would just like to note, because I know of the gentleman's record in the Committee on Appropriations, that each of us could count opportunities where we have tried to increase their funding. As a member of the Committee on Science, I thought it was important to ensure that the Civilian Space Authorization Act of 1998 and 1999 would ensure that there would be access by these colleges for direct research programs to work with the FAA, the Federal Aviation Administration, to ensure under their research, engineering and development authorization act, in particular, that again, undergraduate students could do the research that they needed.

Mr. Speaker, let me quickly conclude by noting as well that the NASA minority research, which is an important aspect of this program, and the land grant programs are important to be funded by some of the agricultural authorization.

I think the key that I would like to make sure that we are aware of is the answer to what if? We would be left with I think a gaping hole, to not have the rich history of the historically black colleges, Oakwood College, now chaired by Chairman Calvin Rock. We would not be able to cite Dr. Freeman, Dr. Joshua Hill, Dr. Polly Turner, Dr. John B. Coleman, all surrounding Prairie View A&M and Texas Southern University doing all great works.

This is an important part of our history, I say to the gentleman, and I believe this is an important night, because we have allowed ourselves to reflect and to congratulate. I think our concluding commitment should be, as our presidents have asked us, to bring them into the 21st century and catapult them with the research institutions of this Nation of high order. Let them be on the same plane as our institutions that are noted as the Ivy Leaguers, which I attended one of those. But I want them to hear our voices of appreciation and our commitment that we believe their role is extremely vital for the future of our young people and the 21st century.

With that, there is much more I could say, but I yield back to the gentleman, and I thank him for the time.

Mr. Speaker, I rise in recognition of the special role that Historically Black Colleges and Universities (HBCU) have played in the education of our Nation's young people. Twenty-three states, along with the District of Columbia and the Virgin Islands are homes to HBCUs. I have the honor of recognizing Texas Southern University, a HBCU and a constituent of the 18th Congressional District of Texas, which I serve. Texas Southern University like so many of the HBCUs was established in 1947 as a means of educating young African Americans who wanted to experience the full force of the American Dream through higher education. It was first formed under the name Texas State University for Negroes, and became the first state supported institution in the City of Houston, Texas. The first president of Texas Southern University was the Honorable Dr. R. O'Hara Lanier, U.S. Minister to Liberia.

Although Texas Southern University was first formed to educate African Americans it has become the most ethnically diverse school of higher learning in the State of Texas.

Texas Southern University has awarded over 35,000 degrees and presently offers 54 baccalaureate degree programs, 30 master's degree programs; the Doctor of Education degree in six programs; the Doctor of Philosophy in Environmental Toxicology; and two graduate professional degrees a Doctor of Pharmacy and the Doctor of Jurisprudence. The University's Robert J. Terry Library has a collection of over 913,000 holdings. The campus also hosts a 25,000-watt FM radio station that serves as a teaching and learning laboratory for communications.

Another HBCU located in the state of Texas is Prairie View A&M University. Prairie View

A&M University is the second oldest public institution of higher education in Texas, originated in the Texas Constitution of 1876. Originally the University was named the A&M College of Texas for Colored Youths and opened on March 11, 1878. Initially the College was designed by the Texas legislature to provide education to teachers.

In 1945 the name of the College was changed to Prairie View University, and the school was authorized to offer, ''as need arises'' all courses that were offered at the University of Texas.

Another HBCU that is close to my heart and carries the proud heritage of education excellence is Oakwood College located in Huntsville, Alabama. This college unlike the previous HBCU is not a public institution, but is operated by the General Conference of Seventh-day Adventists. Ellen G. White declared that it was God's purpose that the school should be placed in the City of Huntsville, Alabama.

Oakwood College's beginning can be traced to 1895, when the General Conference Association sent a three-man educational committee to the South to select and purchase property for a school for black youth. They began with four buildings, four teachers and 16 students, eight women and eight men; Oakwood Industrial School opened its doors on November 16, 1896.

The faculty consisted of H.S. Shaw, A.F. Hughes, Hatie Andre, and the principal, Solon M. Jacobs. For the benefit of both the institution and community, the school maintained and operated a line of industries. Students and teachers worked beside each other in agriculture, blacksmith, bricklaying, broom making, canning, carpentry, chaircaning, clothes manufacturing, cotton manufacturing, dairying, gardening, log milling and woodworking.

The beginning of each of these institutions was a need and the will to see that need met. I commend those hundreds of instructors, visionaries, students, parents, and communities who made higher education a reality for African American young people in our nation. My regret is that the precious gift of higher education was not available to every African American young person, and that desegregation came so many generations after the institution of slavery was ended.

As a member of the House Committee on Science I have worked to offer parity to HBCUs through the application of amendments to routine legislation designed to offer support to Colleges and University science, math, and engineering programs, but which have historically not included HBCUs.

I included amendments in the Civilian Space Authorization Act, Fiscal Year 1998 and 1999 that would direct that research programs funded by this act to include Historically Black Colleges and Universities. On the Floor of the House during the 104th Congress I had an amendment added to the FAA Research, Engineering and Development Authorization Act in particular to encourage research by undergraduate students at our nation's Historically Black Colleges and Universities and Hispanic Serving Institutions.

I also offered an amendment to increase funding for Historically Black Colleges and Universities under NASA's minority research and education programs. The amendment added $5.8 million to the authorization request of $25.5 million, which restored the program to the FY 1997 funding level of $31.3 million. This greatly improved and expanded research programs of HBCU's with NASA and promotes science and technology at minority universities.

Recently, during the appropriations process for the Department of Agriculture, I sponsored a successful amendment that offered 1890 Historically Black Land Grant Colleges an opportunity to share in the research resources that are made available to other colleges and universities by the Department of Agriculture. My amendment will ensure the economic viability of 105 1890 Historically Black Land Grant Colleges and Universities. These 1890 HBCUs are part of a land grant system of 105 state-assisted universities that link new science and technological developments directly to the needs and interests of the United States and the world. In addition, to strengthening agriculture, the 1890 HBCUs conduct research, provide technical assistance in environmental sciences, improve the production and preservation of safe food supplies, train new generations of scientists in mathematics, engineering, food and agriculture sciences and promote access to new sources of information to improve conservation of natural resources.

HBCUs are unlike any other institutions of higher education in the United States; they for decades were for many the only means of higher education for thousands of African Americans. They were the source of our doctors, dentists, lawyers, teachers, ministers, and artisans of all descriptions. They have reached this level of recognition that is being demonstrated this evening by education nearly 40 percent of our nation's black college graduates. Today these same institutions confer the majority of bachelor's degrees and advanced degrees awarded to black students in the physical sciences, mathematics, computer science, engineering, and education.

I am proud to stand with my colleagues in touting the accomplishments of America's Historically Black Colleges and Universities.

Mr. HOYER. Mr. Speaker, I thank the very distinguished gentlewoman for participating in this Special Order.

Mr. HOBSON. Mr. Speaker, I rise today during National Historic Black Colleges and Universities Week to honor the achievements of two of Ohio's historically black institutions of higher learning which I have the privilege of representing in the U.S. House of Representatives.

Wilberforce University, with a current enrollment of 964 students, and Central State University, with a current enrollment of 1,111 students, have demonstrated time and time again that they are firmly committed to academic excellence and the pursuit of knowledge. I am very familiar with both of these universities, as I have had the opportunity to serve on the Board of Directors of both of them.

Before coming to Congress, I served as the President Pro Tempore in the Ohio State Senate and became very involved with both institutions. I have found their respective administrators and educators to be of the highest caliber, and I am proud to represent their interests in both the Ohio Statehouse and the U.S. Congress.

Wilberforce University, which is named in honor of the 18th century statesman and abolitionist, William Wilberforce, was established in 1856. It is affiliated with the African Methodist Episcopal Church and was the first institution of higher learning owned and operated by African Americans.

Central State traces its origin to legislation passed by the Ohio General Assembly in 1887 to create a Combined Normal and Industrial Department at Wilberforce. In 1951, the general assembly officially changed the name of the state-supported portion of Wilberforce to Central State College, and then to Central State University in 1965. Central State University remains the only public historically black university in the State of Ohio.

The true resilience of these educational institutions has been demonstrated in the way they have recovered following the tornadoes of April 1974, which devastated large portions of both campuses. Both schools have been revitalized and have produced aggressive plans for the future to continue producing outstanding graduates for the State of Ohio for generations to come.

As Ohio's Seventh District Representative to the Congress of the United States, I am very pleased to have this opportunity to honor the efforts and the achievements of Wilberforce and Central State Universities. Their many contributions to higher learning in the State of Ohio are greatly appreciated by all.

Mr. FROST. Mr. Speaker, I rise today in honor of Nationally Historic Black Colleges and Universities Week to pay tribute to Paul Quinn College of Dallas, Texas. Founded in 1872, it is the oldest Liberal Arts College for African-Americans in Texas and west of the Mississippi.

Born of humble roots, Paul Quinn College was founded by a small group of African Methodist Episcopal preachers. A faculty of five taught newly freed slaves blacksmithing, carpentry, and tanning saddle work. The founders faced early challenges: a poor congregation, limited resources, and a country struggling with post-Civil War race relations. To construct the college's first building, the church launched a ''Ten Cents a Brick'' campaign throughout their congregation. Although poor, together the congregation's pennies built the first solid monument to their dreams.

Paul Quinn College soon expanded its curriculum to include mathematics, music, Latin, theology, and English. As the increasing service and value of the institution became apparent, the student population grew, the academic program evolved, and more buildings appeared on campus.

Today Paul Quinn College is a thriving institution, rich in history. Its 150-acres campus is a far cry from the schoolroom built with pennies, and today its 741 students take advantage of a liberal arts education, a diverse student population from around the globe, more than 40 clubs and organizations, and a strong athletic program, all steeped in an atmosphere of Christian ideals.

Although it has come a long way from humble beginnings, Paul Quinn College is now, as it was 128 years ago, still serving the intellectual, spiritual, emotional and social development of its students, preparing them for leadership and service.

Mr. Speaker, I am proud of the opportunities this fine institution has provided for so many people and the contributions it has made to the Dallas community. I know my colleagues will join me in saluting Paul Quinn College and all historically black colleges and universities this week.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today on behalf of the 29,300 students that graduate from Historically Black Colleges and Universities (HBCUs) each year. I come to this floor as a proud 1968 graduate of Tougaloo College and a 1972 graduate of Jackson State University. I am also proud to say that, located in my congressional district is the nation's oldest historically Black land-grant institution—Alcorn State University.

In the year 2000, we find that nearly 40% of Black undergraduates at HBCUs are first-generation college students. While we applaud the services that these institutions provide, we must also show support for HBCUs by increasing funding for them, developing programs to make federal dollars more accessible and encouraging private investments. In my home state of Mississippi, public HBCUs have been faced with the challenge of achieving funding levels equal to those of traditionally White institutions. For 25 years, Mississippi Valley State University, Jackson State and Alcorn have been engaged in a legal battle for equal funding. This fact emphasizes the need for increased public and private support. In spite of the circumstances, we find that HBCUs are continuing to fulfill their missions as institutions of higher learning and the first outlet for Blacks who desire to attend college.

Yes, Mr. Speaker, HBCUs have stood the test of time. Today, more than 25% of Blacks earning bachelors degrees received them from HBCUs. As President Clinton has designated this week as Nationally Historic Black Colleges and Universities Week, let us commit to improve upon the past successes of schools like Tougaloo College, Rust College, Alcorn State University and Jackson State University.

I thank Representatives HOYER, CUMMINGS, LEWIS and WYNN for their leadership on bringing this issue to the floor. God bless our HBCUs and their supporters.

Ms. BROWN of Florida. Mr. Speaker, as a proud graduate of a Historically Black College, I am more than happy to be a part of the National Historical Black College and University week here in Washington. Today, over half of all African American professionals are HBCU graduates, as is 42% of the Congressional Black Caucus.

Historically Black Colleges and Universities were created back in 1837 to provide African Americans access to higher education. Because of the terrible history of racism in many parts of our country, the goal of these schools, although straight forward, has not been easy: to educate young black Americans and empower them to play a role in the affairs of our country. Since African Americans have been denied educational opportunities until very recently, these schools have really been the only avenue open to blacks to further themselves through education.

Today, a majority of African American college students graduate from HBCU's. 28% receive their bachelor's degrees from these schools, and 15% obtain their Master's degrees from these schools. Since their creation, HBCU's have graduated more than 70% of the degrees granted to African Americans.

In my state of Florida, we are blessed with four HBCU's, two of which are located in my district. In Tallahassee, we have Florida's largest Black College, my alma mater, Florida A&M, which has nearly 10,000 students. In South Florida, we have Florida Memorial College, and my district, Florida's third, is lucky to have both Edward Waters College in Jacksonville, and Bethune Cookman College, which was founded by a determined young black woman, Mary Mcleod Bethune, in 1904 in Daytona.

Among the many exciting things happening in Florida's black colleges is the acquisition of a law school at Florida A&M, which is set to open in 2003. The opening of the school will officially mark the return of the FAMU College of Law since its closing in 1968. I remember when I was a student at Florida A&M, when the FAMU College of Law, which had provided the only avenue in the state of Florida for African Americans to undertake a career in the influential field of law, was stolen from us and merged with the law school at Florida State. This was a time when African Americans were not allowed to study at Florida state schools at the graduate level, consequently, African Americans were excluded from the field. Not surprisingly today, although that law has been repealed, there are very few African American attorneys in Florida. With the reinstallation of FAMU's law school, minority students will once again have greater access to be represented in the legal profession.

In closing, I am, and always will be, a strong supporter of HBCU's, and will continue to work hard to allow these schools to continue on with their valuable mission, the educational advancement of young African Americans.

Mr. SISISKY. Mr. Speaker, thank you for this opportunity to speak on behalf of the positive influences that Virginia State University and Saint Paul's College, two Historically Black Colleges and Universities in my district, have had on Virginia in particular, and African American culture in general.

Virginia State University, located in Ettrick, Virginia, is America's first fully state supported four-year institution of higher learning for African-Americans. In its first academic year, 1883–84, the University had 126 students and seven faculty; one building, 33 acres, a 200-book library, and a $20,000 budget.

Tuition was $3.35 and room and board was $20.00.

From these modest beginnings, Virginia State University now offers 27 undergraduate degree programs and 13 graduate degree programs.

The University, which is fully integrated, has a student body of 4,300, a full-time teaching faculty of approximately 170, a library containing 277,350 volumes, a 236-acre campus and a 416-acre farm, more than 50 buildings (including 15 dormitories and 16 classroom buildings), and an annual budget of $64,238,921.

I am pleased to have been on the Board of Visitors of Virginia State University.

When I was a delegate in the Virginia General Assembly, I sponsored the legislation which changed Virginia State College to Virginia State University.

Saint Paul's College, founded in 1888 in Lawrenceville, Virginia, is a small liberal arts college in which the attributes of integrity, objectivity, resourcefulness, scholarship, and responsible citizenship are emphasized. Over 15 undergraduate degrees are offered.

Its liberal arts, career-oriented, and teacher-education programs prepare graduates for effective participation in various aspects of human endeavor.

Intentionally small, its 600 students represent a wide variety of areas in the United States and several countries. However, the active campus life is characterized by a strong sense of camaraderie.

Education has always been very important to the people of Virginia. Whatever part of the Commonwealth you hail from, there is a place for our children to go for advanced learning.

Both Virginia State University and Saint Paul's College rank with the best colleges and universities in the country for preparing our young people to enhance this world.

As a Historically Black Colleges and Universities, the opportunities offered by these schools have been very important to the development of Virginia, and will continue to be for the future of this nation.

Mr. SKELTON. Mr. Speaker, Lincoln University, in Jefferson City, Missouri, is an historic black college that has served Missouri and our nation well since the latter part of the 1800s. Today, it serves as a beacon of education for our state of Missouri. I am so very proud of the faculty, the students, and its extension service, which have put this university on the map. I am pleased to represent such an outstanding institution.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. GOODLING. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Department of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to increase Title VI Education Block Grant funding with instructions that these increased funds may also be used for the purposes of addressing the shortage of highly qualified teachers, to reduce class size, particularly in early grades; using highly qualified teachers to improve educational achievement for regular and special needs children, to support efforts to recruit, train and retrain highly qualified teachers, or for school construction and renovation of facilities at the sole discretion of the local educational agency.

MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. THOMAS) is recognized for 60 minutes as the designee of the majority leader.

Mr. THOMAS. Mr. Speaker, tonight we want to discuss one of the measures that has passed the House of Representatives. Sometimes, we do not feel the need to discuss measures that have gone through committee and have passed the House, but since there has been so much misrepresentation about the legislation that passed the House on a bipartisan vote called the Medicare Modernization and Prescription Drug Act, and since the Presidential nominees are engaged in a spirited debate, I thought it would be worthwhile to take some time, one, to focus on what it is that the House actually did, but probably more important than the specifics is to put in context the way in which the prescription drug issue has been discussed.

I think the first thing that people have to remember is that as the former majority, the Democrats controlled the House the entire time Medicare was law, up until 1994. Indeed, when President Clinton was elected in 1992, the Democrats controlled the House, they controlled the Senate, and they controlled the Presidency. I find it rather interesting that at a time when they could do anything they wanted to do, they did not talk about putting prescription drugs in Medicare for seniors.

All right. Let us say that that issue is one which has matured only recently. However, let me tell my colleagues what I consider to be an even more telling fact. During the time the Democrats controlled the House and the Senate and the Presidency, they did not add any preventive care measures or wellness measures. Now, that I think is very telling, because it was pretty obvious even at that time that if we would do relatively aggressive screening on seniors for colorectal cancer, increase mammography, and especially tests for women with osteoporosis; and one of the real scourges is diabetes, and with education and early detection and treatment, we can make significant life-enhancing behavioral decisions; but none of those were part of a Medicare program that the Democrats offered.

In 1995, the Republicans became the majority in the House and in the Senate. We offered a series of reforms adding preventive and wellness and suggesting prescription drugs. Well, as some people may remember, the 1996 election was based upon a series of untruths, frankly, that Republicans were trying to destroy Medicare, that Republicans never liked the program and could not be trusted with it.

Well, as it is now historically recorded, in 1997, it was the Republican majority that, for the first time in the history of the Medicare program, put a preventive and wellness package together, and proposed a commission to examine the way in which we could successfully integrate prescription drugs into Medicare. Why? Because no one would build a health care plan, especially one for seniors today, that does not make medicines or prescription drugs a key part of the program.

Now, what we have heard from this well from a number of our Democratic colleagues about the Republican prescription drug plan and its modernization of Medicare are frankly untruths. They have attempted to use what they have unfortunately historically done during campaign seasons with prescription drugs, and that is, they have tried to scare seniors into believing that Republicans would never believe, notwithstanding the fact that we have mothers and fathers and aunts and uncles and now, for me, even sisters who are on the verge of turning 65; I hope I do not get an irate phone call on that statement; but I have a real concern about making sure that Medicare is relevant to today's seniors' health care needs and especially tomorrow's.

□ 2045

I mention that brief history because, as we talk about Medicare, suggested changes in Medicare, and the proposals that the Democrats have offered, including President Clinton and Vice President AL GORE in his race for the Presidency, and alternatives that Democrats may offer, I think it behooves all of us to stick to the facts; to talk about what the programs are. And there are differences between the Republicans' approach to reforming Medicare and providing for prescription drugs, and Democrats'. But one of the things we ought not to do is take the liberty with the truth.

One of the things I think we need to put in focus is the fact that, unfortunately, according to recent news reports, AL GORE was unable to contain himself and made up stories; made up a story about his dog and his mother-in-law, which is already on thin ice, and comparing their use and price of drugs. I am sure it was quite a good story. He is good at telling stories. There is just one problem with it: It was not true; it is not true. He made it up.

I think it ironic that as the press and some of my colleagues focus on some verbal stumblings on the part of our Presidential candidate, he does not make things up; and that when one is challenged with the pronunciation of a word, I think it is significantly different than when one is challenged with the efficacy of a statement.

AL GORE lied. He was probably so overcome by the occasion that he felt he had to have a better story than the truth. And, actually, that is a perfect setting for the discussion of what the Republican prescription drug proposal and the modernization of Medicare is and the Democrats description of it.

The first thing they have said frequently is that our program is not in Medicare; it is not even an entitlement program. That is, it is not part of the traditional Medicare. It is something new, it is a risky scheme, and it is probably not going to be available.

During the debate, we were pleased to get a letter from the American Association of Retired People, and I do believe that in this instance it is better to rely on third parties describing what our program is rather than listening to us or to our opponents. Because what the American Association of Retired People said was, ''We are pleased that both the House Republicans and Democrat bills include a voluntary prescription drug benefit in Medicare, a benefit to which every Medicare beneficiary is entitled.'' That is where they get the name entitlement. ''And while there are differences, both bills describe the core prescription drug benefit in statute.''

So there should be no misunderstanding, Governor George W. Bush's basic plan is a Medicare plan. The Republican plan, the bipartisan plan, the plan that passed the House, was a Medicare entitlement program. AARP says so. Do not take our word for it.

But what we want to spend a little time on tonight is the phrase that there are differences. Because if we do not have to worry about the fundamentals, that is they are both in Medicare, they are both an entitlement program, they are both voluntary, then maybe it might be worthwhile to stress what the differences really are. If once we have met the threshold that Republicans are not trying to destroy Medicare, that we are trying to improve Medicare, just as it was the Republican majority that added preventive and wellness and it was described as an attempt to destroy Medicare, let us spend a few minutes talking about how the plan that passed the House differs from the one that, for example, Vice President GORE wants to offer.

And in that regard I am joined by two of my colleagues tonight, both of them members of the Subcommittee on Health of the Committee on Ways and Means, which has the primary responsibility in the House jurisdictionwise of the part A Medicare program and shares the part B Medicare program with the Committee on Commerce. We have worked long and hard.

I was a member of the Medicare bipartisan commission that spent over a year examining the particulars. Both of my colleagues were close followers of that debate, read the material, and as we put together the plan that passed the House, we were focusing not on whether or not it was in Medicare but key things that I think seniors are concerned about, such as: Does it give me

some choice? Do I get to choose or do I have to fit the plan I am told that I get? The idea that if someone cannot afford the drugs, how do we help them? Whether an individual is low income, or even if they are not low income, whether the cost of the drugs that they are required to take are so expensive that even that lifetime earning they have put away would soon be lost.

Those are some of the key questions. But probably the most fundamental question, given the fact that we are going to put drugs now into Medicare, and we are at the very beginning of not an evolution but a revolution in the kinds of drugs that are going to be available to seniors, do we really want a one-size-fits-some government-regulated drug program; or would we rather have the professionals who do this every day for the other health care programs decide when and how we need to shift this mix to maximize the benefit to seniors?

That really is, when we strip away all of the scare terms and the untruths about the program, the real question. The differences that AARP has said are in the two plans. And when we begin to focus on the differences, I think we will find that there are not only quantitative differences in the plans but there are clearly qualitative differences as well.

Does the gentleman from Pennsylvania wish to talk about one or more of those differences?

Mr. ENGLISH. I would, and I want to thank the gentleman from California (Mr. THOMAS) for raising this issue and leading this discussion tonight.

Every August I go back to my district and I take the time to have a series of town meetings, particularly with seniors. And as I went back this August, I attended meetings at senior centers and I went to Labor Day fairs, and when I talked to seniors this was the single topic that they seemed to be focused on. This is the single issue that seems to directly affect their lives almost regardless of their personal circumstances.

Seniors were telling me stories, and too many times that plot included skipped doses or the act of cutting pills in half in order to save money on the skyrocketing costs of prescription drugs. And in my district in northwestern Pennsylvania it is odd, but senior groups have felt obliged to charter buses to drive more than 2 hours to Canada in search of lower drug costs. That is an extraordinary anamnesis, a trip they should not have to be making, and it is just further evidence that we ought to be putting politics aside and trying to get signed into law a prescription drug plan that will protect seniors and relieve them from the expensive prescription drug market where they simply cannot keep up.

We have discussed different plans on the floor of the House, but the one thing we can all agree on is no senior should have to choose between buying food and buying their life-sustaining medicines. What I feel comfortable about is that this House has acted and has moved forward a bipartisan plan that offers a flexible and universal benefit that would really address the needs of seniors.

We in the House voted to provide a prescription drug plan under Medicare that really meets the needs of seniors virtually regardless of their circumstances, and we did it in the face of rancorous partisan opposition. We embraced a bipartisan model for extending prescription coverage to Medicare beneficiaries. Beyond that, we also all agree that seniors should have the right to choose whether or not they wish to enroll in the prescription drug benefit or maintain their current coverage.

The bipartisan plan that we passed is a balanced market-oriented approach targeted at updating Medicare and providing prescription drug coverage that is affordable, available and voluntary. And I credit the gentleman for having played a critical role in designing this plan. This plan provides options to all seniors, options that allow all seniors to choose affordable coverage that does not compromise their financial security.

The plan that the House passed would give seniors the right to choose a coverage plan that best suits their needs through a voluntary and universally offered benefit. On the other hand, as the gentleman alluded to, the plans offered on the other side, including the one offered by the Vice President, would shoehorn seniors, many of whom have private drug coverage which they are happy with, into a one-size-fits few plan. The Gore plan seems to give seniors one shot to choose whether or not to obtain their prescription drug coverage under Medicare. They have to choose at age 64 or forever hold their peace.

Under that plan, seniors are forced to take a gamble. At 64 they are asked to predict what the rest of their lives will be like. They are supposed to operate on assumptions that may change. And while their coverage may be adequate now, if heaven forbid illness were to strike and their current plan no longer suited their needs, sorry, under the Gore plan those seniors would be out of luck.

In my view, the House-passed plan addressed skyrocketing drug costs in the most effective possible way by providing Medicare beneficiaries real bargaining power through private health care plans that can purchase drugs at discount rates. This is a much more effective approach than rote price controls. Seniors and disabled Americans under the plan the House passed will not have to pay full price for their prescriptions, they will have access to the specific drug, brand name or generic, that their doctor prescribes.

Our plan provides Medicare beneficiaries with real bargaining power through group purchasing discounts and pharmaceutical rebates, meaning seniors can lower their drug prices certainly 25, perhaps as high as 40 percent. These will be the best prices on the drugs that their doctors say they need, not the drugs some government bureaucracy dictates. But I would say to the gentleman that I am concerned that other plans, such as the one offered by the administration, cannot give all seniors such a sizable discount on their prescription drugs. The CBO reports that seniors will probably see a discount of about half of what our plan offers.

The House-passed plan also is designed to allow seniors who have drug coverage to keep it, and help those who do not, get it. No senior will lose coverage as the result of this bill. Under the House plan, we are trying to help millions of seniors in rural areas without coverage to get it and to get prescription drugs at the best prices, and to have the choice of at least two plans.

Mr. Chairman, I feel that this plan is the best and the most flexible. And in Pennsylvania about two million seniors who rely on Medicare could choose to reduce their drug costs by enrolling in programs to supplement Medicare. Our plan gives all seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs. By making it available to everyone, a universal benefit, we are making sure that no senior citizen or disabled American falls through the cracks. Mr. GORE claims to offer seniors a choice, but in reality he offers them a selection of one, one plan, Medicare, take it or leave it. That does not seem like much of a choice to me.

The House-passed bill also takes steps to modernize Medicare, and I think that is the core difference. The gentleman had asked me what the differences are, and this, to me, is one of the critical ones.

□ 2100

We take the first step to reform Medicare to create an independent commission to administer the prescription drug program. Mr. GORE's plan leaves Washington bureaucrats in control of senior benefits. These are the same bureaucrats who have made bad decisions here in Washington about Medicare+Choice plans like, for example, Security Blue in my district. They have not provided adequate reimbursements to districts like mine; and, as a result, we have seen a decline in benefits under Medicare+Choice and Security Blue.

I do not think those bureaucrats are the ones that we should be putting in charge of a Medicare prescription drug

benefit making critical decisions that will affect not only pricing but also access to benefits for seniors throughout America.

Mr. Speaker, I feel that there is a clear choice here. We have advocated a plan that gives seniors real choices, real flexibility, and allows them to customize their benefits to meet their needs. Mr. Speaker, those are the differences that I think are absolutely critical.

Mr. THOMAS. Mr. Speaker, reclaiming my time, I thank the gentleman for his observations. Because although his State does not share its border with Canada in any significant way, he is clearly in a situation in which, because we failed to provide group purchases for seniors under a plan, they are forced to take some drastic measure.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, the key term is ''flexibility.'' As I said, we are on the verge of a dramatic breakthrough and a number of drugs are going to be available that are not currently on the market.

One of the reasons that the nonpartisan analysts that we use to look at pieces of legislation said that our plan, the bipartisan plan that passed the House, had as much as twice the discount capability of the Democrats' plan, including the one that the Vice President has offered, is because of the flexibility; that we provide the opportunity to change the structure when the structure needs to be changed, not when the bureaucrats or the politics say it should be changed. And so, we really should not wait one day longer than necessary to provide the seniors this relief.

Now, I think it is also worthy to note that there are as much as two-thirds of the seniors that have some form of insurance protection; but even though they have it, they are in fear of losing it. And, of course, if they are part of the one-third that has none at all, they live in fear every day that something is going to happen in which their finances simply are not going to be capable, if they have them in the first place, of paying for some these miracle drugs, which do come at relatively high prices if they have to buy them at retail, as many seniors do today, instead of group purchases.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from California, the chairman of the subcommittee that governs most of the Medicare program, for yielding to me.

I have been very pleased. First of all, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his very thorough overview of the legislation that we developed in our committee. And I might say, over many months I have been very pleased that my colleagues on the other side of the aisle have really taken an interest in prescription drugs.

The last few months, and actually in our last floor debate, we had a full-blown alternative developed. Had that been possible a year ago, we would have prescription drugs signed by the President now. But our subcommittee did start holding hearings on this matter at the very beginning of this session.

I must say, as a woman, I have been keenly aware of the need for Medicare to cover prescription drugs. It is simply a fact that 90 percent of all women over 65 have at least one chronic illness and 73 percent of women over 65 have at least two chronic illnesses. And, for this reason, because women tend to have more chronic illnesses and also live longer than men, they spend much more on prescription drugs than do men over 65.

It is also a fact that, for a lot of reasons in our society, that most women are retired on very modest incomes, oftentimes not so low that they benefit from our State medication subsidy programs. In Connecticut it is called COMPACE, and it is a wonderful blessing to low-income seniors. But to those just above the poverty income but struggling along on a very modest income, they get no help from the State program. They cannot afford insurance. They cannot afford preventative health care and, in fact, they commonly suffer from disabilities. But they do have in common a higher instance of chronic illness and therefore a greater need for regular weekly, monthly prescription drugs.

So it is extremely important to our seniors and extremely important to senior women that we integrate prescription drug coverage into Medicare. And so there are two things that are very important in this effort to gain coverage of prescription drugs under Medicare.

One is price.

Over and over, seniors will say to me, why, when we are such a big buying group, can we not negotiate lower prices at the pharmacist?

I want to congratulate the chairman for structuring a bill that will cut those prices 25 to 30 percent. Unfortunately, the Democrats' bill, because it does not involve competition, and we are going to talk about what that means to seniors in terms of the quality of drug coverage, but just from the point of view of price, because our Democrat colleagues' alternative does not allow more than one company to distribute drugs, they will reduce drug prices at the pharmacy only about 12 percent.

And since all the bills, whether it is the Democrats or the Republicans, the President or the Congress, involve 50 percent copayment for most seniors, whether it is 50 percent of $50 or 50 percent of $100 or 50 percent of $75 makes a lot of difference.

I just want to congratulate the chairman on the fact that the structure of his bill, and this goes back to not only the importance of achieving the goal, but how we do it, the structure of our bill will drive those prices down at the pharmacy 25 to 30 percent; and that will help seniors no matter what their income group, no matter how many drugs they have to buy, whether they have reached the catastrophic limit or they have not. So I am very proud that our bill will reduce prices at the pharmacy by 25 percent.

I would like to take a couple of minutes later on in the discussion to talk about the fact that our bill will also ensure many more drugs are available to our seniors.

Mr. THOMAS. Mr. Speaker, I just want to give my colleagues a real-world anecdote to support what my colleague says. Because, clearly, as we talk about the flexibility, and as the gentleman from Pennsylvania (Mr. ENGLISH) indicated, no one should have to choose between prescription drugs and food.

Using professional managers in dealing with seniors' drug needs directly addresses two fundamental problems with seniors and drugs today; and that is, the drugs are miracle workers, as I said, but oftentimes only if they take them as prescribed. And sometimes it is money. That should not be the case, but sometimes it is just failure to remember to follow a regimen. Professional management is important there.

I was in the Kern River Valley, and this is a predominant retirement senior area, and it was at a health fair and we began discussing this question of prescription drugs. And if my colleagues have not really experienced it firsthand, they just do not appreciate the other real problem that we face with seniors and prescription drugs and that is, many seniors are not on just one prescription drug or two or three.

There were about 200 seniors there; and I said, how many seniors here are on one prescription drug? Well, every hand in the place went up. How many are on two? Virtually none went down. How many are on three. All the hands went up. How many are on four? By the time we reached four, a couple hands went down. How many are on five? Still a majority. I went all the way up to 12 different drugs, 9, 10, 11, 12, until I finally got one hand. And I said, well, okay, you win. How many do you have? He said, as far as I can remember, 16.

So it is the failure, the tragic failure to not only provide availability or low price through the group purchasing but the management, the best way to allow seniors to enjoy this miracle is what we are missing and that professional management, that flexibility is what gives us the opportunity to tell seniors under our plan and the President's plan that, yes, they are going to have a prescription drug program that meets today's needs; but they are going to have tomorrow's needs met and the day after tomorrow the flexibility that gives us those discount savings that the nonpartisan professional saves twice as much as the Democrats or the Vice President's plan.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. MCCRERY), who represents a different region than the ones we have been discussing but whom I am sure has similar concerns based on his seniors' needs and how a program is structured.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for convening this special order to talk about prescription drugs, and I thank the gentlewoman from Connecticut (Mrs. JOHNSON) for bringing up the element of our prescription drug bill that does not get highlighted too much, which is the elements of price and price discounts. And she is exactly right. The Republican prescription drug bill that we passed through this House, on average, would give seniors a 25 percent reduction in the cost of their prescription drugs, that is every senior, not just low-income seniors, as some Democrats have tried to characterize our bill. Every senior gets that reduction in the cost of the prescription drugs.

Another element that is overlooked sometimes in the Democrats' characterization of our bill as one that leaves out millions of senior citizens is the element of the catastrophic coverage. That is available for every senior, not just low-income seniors, not just some seniors; but every senior who voluntarily subscribes to this prescription drug program would have the benefit of that protection, protection against those soaring drug costs that can afflict somebody with a range of illnesses, some catastrophic disease should that strike that person.

That senior will be protected no matter his income, no matter his status. If he opts to get into this voluntary program that we will have created through this legislation, he will receive that protection.

So I think it is important for us to explain to the American public that the bill we passed through this House of Representatives is not just a bill for low-income seniors. It does not leave millions of seniors out; it protects all seniors who voluntarily choose to subscribe to the program, and it is available for every senior without regard to the health status of the senior.

In other words, if the senior citizen already is on the 12 prescription drugs that the gentleman from California (Mr. THOMAS) discovered one of his constituents was on, she is eligible for our program, just like the senior citizen who is not on any prescription drugs.

So, unfortunately, in some of the House races around the country, our prescription drug bill has been mischaracterized by Democrat opponents; and that is unfortunate, because what we passed through this House, I believe, is the best solution for guaranteeing a prescription drug benefit to the seniors in this country. It is the solution that involves the private sector in this country which has been so dynamic in delivering high-quality health care, unlike countries that have gone to government control of health care, dumb down basically the health care system, dumb down innovation in our health care system.

Our country, thank goodness, has continued to rely on the private sector to deliver that health care innovation. We want to do the same thing with prescription drugs, not fall back on a government solution that involves hundreds of mandates like the Democrat solution, the Gore solution. That would be catastrophic for this country if we were to let the Government take over prescription drugs in this land of ours.

□ 2115

I appreciate the gentleman allowing me a few minutes to talk about the fact that our prescription drug plan is for all seniors, not just for some, and it delivers high quality benefits to all seniors, not just some.

Mr. THOMAS. What is especially of concern to me about now, apparently the news media's understanding that the Vice President manufactured some facts to try to make his point is that there is a lot of reality out there that is better than made-up stories. What concerns me is that he knowingly made that story up. And I happen to personally believe that there are some of the Members in this body who have made up fictions about the plan that passed the House because they would rather have the issue than the solution. That is just to me reprehensible, when we could have already provided prescription drugs for seniors in Medicare.

It should not be part of a presidential debate. It should be part of the law. We are doing everything we can to make that happen, including create a bipartisan plan that passed the House when those Democratic leaders who wanted to make it an issue walked out of this body rather than engaging in an honest, direct debate about the flexibility of our plan versus the rigidness of theirs, the integration of the plan rather than theirs as an add-on, and probably, most important, the fact that we provide the drugs that your doctor believes you need, not a bureaucratic structure that may not provide that particular drug but will force you to an alternative. That is not the kind of choice that we believe seniors and their doctors ought to make.

Mrs. JOHNSON of Connecticut. The gentleman makes an excellent point. Honestly, some nights I just lie in anguish because I know that by my colleagues making this a partisan decision, seniors in America are not going to get prescription drugs for another year and a half. Now, all the plans will take a year or two to put in place and if we cannot pass the bill for another year and a half, there are people in my district who are really truly desperate for this coverage, and that says to them, ''Not for another 3 or 4 years.'' We could pass this this year. It is really almost a crime that our colleagues will not come together and help us do it. It needs to be bipartisan.

Now, we have talked about price, but there is one really important issue that you referred to that needs to be addressed. Seniors need to be able to have the drug that is appropriate to them. Some antidepressants, for example, work by making you sleepy. Well, if you are sleepy and you fall and break a hip, that is terrible. There are other antidepressants that do not make you sleepy, and your doctor ought to have the right to choose the one that works for you. Under our bill, I am proud to say every plan will have to provide not only multiple drugs in each category but what we call multiple drugs in each classification.

One of the problems with the proposal from the other side is that you have to only provide one drug in each category, and that means your doctor will not be able to choose the pharmaceutical product that is really good for you, that will interact fairly in a healthy fashion with your other medications, that will not give you side effects that will cause harm to your health or to your well-being. So I think in this fast-paced debate, it is kind of being overlooked, that we not only want a plan that gives seniors choices of drug plans but that we want within those plans for each one to provide a lot of choices of medications so each senior gets the medication that she or he needs and that doctors will have the right to choose the pharmaceutical agent that is best for that senior.

Mr. MCCRERY. It is ironic that our plan has been attacked by the Democrats because we rely on the private sector to manage the benefit. They say, ''Oh, gosh, you know, we just don't believe the private sector will do a good job of managing this benefit under Medicare. We should let HCFA, the Health Care Finance Administration which administers Medicare, also administer this prescription drug benefit.''

What they do not tell you is that HCFA, the Health Care Finance Administration, would rely, would hire, a

private sector entity to manage their business. Just as under our bill we would have private sector entities called PBMs, or pharmaceutical benefits managers, to provide this benefit around the country, only we would have multiple PBMs, not just one, the Health Care Finance Administration would hire under the Democrats' vision one single pharmaceutical benefits manager to manage this benefit. Well, if our plan is flawed because we are going to have a private sector entity, in fact a number of private sector entities, PBMs, manage the benefit, then theirs is flawed as well because HCFA relies on a private sector entity, a PBM, a single PBM to manage theirs.

They say, ''Oh, well, gosh, if that happens, if we can't get a PBM to manage the benefit under our plan, well, we'll just let HCFA, the Health Care Finance Administration, manage the benefit.'' Well, that sounds good, I guess, but then when you examine the kind of job that HCFA is doing now with Medicare, managing Medicare, never mind prescription drugs because that is not part of Medicare, just managing Medicare, you see that maybe that is not such a good idea after all.

For example, in an effort to help senior citizens, this Republican-majority Congress just in the last couple of years passed a change to Medicare to benefit senior citizens with their copayments, with their coinsurance under Medicare, trying to reduce the amount of out-of-pocket costs to seniors. Well, in order to effect that, HCFA, the Health Care Finance Administration, has to create an outpatient prospective payment system to make that happen, to save those seniors those out-of-pocket costs. Guess what? They have not been able to do that yet. How many years have they had now, HCFA, to put this in place? How long has it been since we have directed them to do that, to save seniors money and they have not been able to put it in place?

Mr. THOMAS. That particular program 3 years, but actually there is one program on the statutes that has been 7 years languishing waiting for the Health Care Finance Administration to implement it through regulation.

Mr. MCCRERY. So 7 years for that, 3 years for the one I am talking about that would benefit the pocketbooks of seniors that we passed in an effort to help seniors, and the very administration, the Health Care Finance Administration, that the Democrats want to rely on to deliver this new benefit, prescription drugs, has not been able in 3 years to perfect this mechanism to save seniors out-of-pocket costs. That to me is not much to rely on. To me, it is much safer to rely on the private sector, a robust private sector that is innovative and wants to get in the business of delivering prescription drugs to seniors and in fact is doing so in a number of group plans around the country.

Mr. THOMAS. I know the gentleman shares my frustration in trying to get the media and others to realize that folks on the other side of the aisle and, for example, the Democratic Party nominee for President make things up. They simply are not truthful about the programs. In fact, I have often thought, if you think about ''Do You Want to Be a Millionaire,'' a couple of really good questions that should have a high dollar value to them because they would be very difficult for people to answer, and, that is, which party was the majority in Congress when preventive and wellness programs for seniors was put into Medicare? You would probably have to use one of the lifelines to realize that it was the Republican Party and not the Democrats. Better than that, which party was in the majority when for the first time in the history of the 35-year Medicare program a prescription drug program was voted off of the floor of the House? That should be way up around a quarter of a million, because the answer is the Republicans, not the Democrats.

But if you listen to AL GORE, if you listen to the Democrats who describe our program, frankly I believe you would have to say, less than truthful terms, we are out to destroy Medicare. That old Medicare partisan scare card unfortunately is being wheeled out once again in this election by the Democrats' presidential nominee, except I am pleased to say that he was so carried away with not dealing with the truth that the press has now found out that he simply makes things up.

Mrs. JOHNSON of Connecticut. I want to mention something that really has received no attention because it goes to what my colleague from Louisiana was saying. If you rely on the private sector and you have multiple plans out there, lower prices for seniors, better choices of pharmaceuticals, you also could use, and our seniors could have used it at this very time as HCFA is driving the Medicare HMOs out of the business, an ombudsman office. And our bill puts in it a new office that is separate from HCFA, within the government but separate from HCFA, who will help them when they need help, help them find the right coverage if they cannot find it, if they need to appeal the government's decision that they can or cannot have certain care.

Then this ombudsman will help them get the information together and make that appeal. Under current law, they have effectively no appeal rights. Here we are talking about a patient bill of rights for all under-65-year-old Americans, and that has passed through the House, we, the Republican majority, included in the prescription drug bill an appeals process so that every senior would have the right to appeal if they cannot have the right drug, if they cannot have the right procedure, if they need medical care that they are being denied, and this office of ombudsman who can help them get together the information they need, guide them through the process of appeal if they need to be guided through that appeal process, and help them whenever they need help in dealing with the government around the current Medicare plan.

I am very proud that we have set up this new independent office of ombudsman and also passed for every senior in America an appeals process that gives them those critical rights to speak up and say, ''Wait a minute, I need that medical treatment, and I ought to have it and have someone neutral to turn to say, yes, actually you should have that medical treatment because you need it and Medicare should be providing it.''

The breadth of our prescription drug bill, not only in the choices it provides seniors and in the pharmaceutical products it provides seniors, but also in restoring their rights as human beings under Medicare is really important for seniors to understand. I am proud we did it. I hope that over the course of the next few weeks we can join together, Republicans and Democrats, and of course our bill was bipartisan, but into a larger arena and get the President with us so that our seniors will not have to wait 3 years for prescription drug coverage.

Mr. THOMAS. I want to point out again that we are not talking about a risky scheme; we are not talking about something that is different than what seniors have now in terms of Medicare. The American Association of Retired Persons said that they are pleased that both the Republican and the Democrat bills include a voluntary prescription drug in Medicare, it is an entitlement, and what we have been talking about are the differences. We frankly think that when you talk about the differences, do not use scare tactics, do not say that this plan will not work because ironically, and the gentleman from Louisiana and my colleague from Connecticut know this, under the Al Gore plan, if they are not able to get those prescription benefit managers that you have talked about to do the job, which is to limit their professional experience and let a bureaucrat tell them what to do, if they are not doing it, the fallback provision in the Vice President's plan is to those insurance companies that the Democrats like to say, will say that our plan fails.

Our plan, which was passed on a bipartisan vote, reduces the cost of drugs to seniors up to twice as much as the Democrats' plan because it is flexible and it lets professionals make the decisions in a timely and professional manner. It may not seem like a big point now, but 4 or 5 years down the road when the senior finds out the drug they need is not one that is approved and

therefore you do not get the group purchasing insurance premium value to it, when they realize that they do not have the flexibility, that they do not get to choose between plans, those differences that we are mentioning now will loom very large in the life of those seniors who need to choose and who need the flexibility of our program.

□ 2130

Mr. McCRERY. As the gentleman knows, one of the criticisms that Democrats have leveled at our plan is that the private sector insurance companies, the private sector pharmaceutical benefit managers will not participate in our plan. They will not offer a plan; therefore, we are not really offering seniors any choices. Well, the same criticisms were leveled in the State of Nevada, when Nevada's Republican Governor came up with a similar plan to provide prescription drugs in the State of Nevada.

And if I am not mistaken, and please correct me if I am wrong, but just recently the deadline came for submission of plans from the private sector or bids to participate in the Nevada State program and not only did the private sector step up to the plate and say yes, we will participate, but I believe Nevada had a choice from among at least five different plans.

Mr. THOMAS. Mr. Speaker, five different plans chose to compete for the business.

Mr. McCRERY. Mr. Speaker, we will play in this game. We want to provide this benefit to your citizens in Nevada, so even though that same criticism was leveled at Nevada, the private sector will not participate. They do not like this plan.

We found at least there that that criticism was not warranted, and Nevada now has the luxury of choosing from among five different bids from the private sector to manage their prescription drug benefit in their State.

I predict, if our bill were to become law, we would experience the same thing. The private sector would step up to the plate and seniors would have multiple choices of plans as we have described.

Mr. THOMAS. And what we get out of that, as we repeated over and over, is the flexibility of choosing, but also the advantage through the competition of a lower price to the seniors, and, of course, given that the Medicare program is taxpayer financed, a lower cost to the taxpayers. We have to be concerned about the Medicare program, because it is not financially sound as we make these improvements, things like adding prescription drugs, we have to keep an eye on the bottom line costs 10 years out, 15 years out.

The intensive more than 1 year study that was undertaken by the bipartisan Medicare commission wound up unanimous in terms of the experts, whether they were professional, academia, in saying the one thing Medicare needs to preserve itself over the long run is a degree of competition and negotiation for the price of the services.

The plan we are talking about, the plan as indicated that the State of Nevada has put into place, provides the structure for that competition, which will produce, bend those growth curves a little, it will produce a plan that will save us money in the long haul. We are preserving Medicare by making sure that we can get the job done at the cheapest possible cost.

We are protecting seniors. We are, in fact, strengthening and simplifying the program. Now, that is not what we will hear from our colleagues on the other side of the aisle, because if they, in fact, were honest about the plan, we could focus on the differences, we could make adjustments, and we could provide seniors with prescription drugs in Medicare. That apparently is a choice that they have made that they do not want.

They want the political issue during this campaign. The Vice President is more than willing to make up stories that are not true to try to win the Medicare prescription drug debate. What happened to that slogan ''I would rather be right than President?''

This particular candidate would rather make up stories in the attempt to convince people that his plan is better. It is not better. It is more costly. It is more limited. It does not provide the choices that this plan does, and it does not provide the savings in the long run, the competition and negotiations provide.

Mr. McCRERY. Mr. Speaker, I am glad the gentleman brought that up, as we have to conclude our discussion here. I am glad the gentleman brought up the issue of saving Medicare, because, indeed, if no changes are made to the Medicare system, we all know that it is not actuarially sound, and it will meet its demise. The program itself will meet its demise within about 20 or 25 years.

And when my generation, the baby boom generation, reaches retirement age, the Medicare program will not be able to provide benefits to my generation. So the gentleman makes an excellent point. The gentlewoman from Connecticut (Mrs. JOHNSON) also mentioned some of the reforms that we include, reforms of Medicare that we include in our prescription drug plan, which will facilitate the transition from the current Medicare system to a Medicare system that will be stronger, that will rely on competition in the private sector to drive down costs in the Medicare system and save Medicare for the long hall so that my generation and generations following mine will have the benefit of this program.

I appreciate the gentleman for yielding to me and saying that our plan does that, but the Vice President's does not.

Mr. THOMAS. I thank the gentleman for his comments. The solvency the day after tomorrow is important, the needs for tomorrow is important, but frankly we should not go one day longer than necessary to provide seniors with prescription drugs, and we ought not to keep talking about the issue. We did something, we passed it, especially when talking apparently coming from the Vice President is not truthful in the first place.

Mr. McCRERY. We passed it in a responsible way. I would admit.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very proud we are doing it in not only a way that will save and strengthen Medicare for future generations and provides more choice for seniors, but it provides more health care for seniors. Ours is the only bill that covers off-label uses of drugs. Since most of the cancer patients are over 65, and since many of the cancer treatments involve off label uses of drugs, only our bill provides coverage for most cancer treatments.

So we not only do it in an efficient, cost effective way that will strengthen Medicare in the long run for current seniors and future retirees, but we provide more choices and more health care. We need for the President to weigh in now and get our bill to his desk so every senior in America can have drugs as a part of Medicare now.

Mr. THOMAS. Our bill provides that competition in negotiation, and the only thing I am really pleased about with Governor George W. Bush's plan is he gets it, he understands the need for that competition in negotiation to provide a better product, flexibility and choice, but ultimately at a cheaper price.

My only hope is that as we continue this very important debate, my druthers would be that we do not debate, we show action. We took that action in our hands, we passed a bill off the floor of the House, we would like to deal with legislation moving forward, but if it is apparently the way that the Democrats have chosen to be rhetoric, to talk about the needs, then I think, at the very minimum, what we would hope is that the Vice President, the Democrats' nominee for President, would not play fast and loose with the facts that, in fact, the debate be a truthful one.

This is a serious matter. It is not just partisan rhetoric. It is whether or not a senior gets the kind of lifesaving drugs they deserve at a price they can afford.

The bipartisan Republican plan that passed the House does that. We do not want rhetoric. We do not want debate. We want action. We have taken action. It is now up to the President and others. I thank both of my colleagues for participating and our colleague from Pennsylvania as well.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, as my colleagues recall, last evening I had an opportunity to address my colleagues and to speak about a number of different subjects. I would like to kind of do a quick summary or at least some additions or amendments to my comments last night based on some of what I saw today.

First of all, as many of my colleagues will recall last night I spoke about Pueblo, Colorado, and the home of heroes. This week is Patriots Week in Pueblo, Colorado, and there we are going to honor over 100 recipients of the Medal of Honor.

These are real heros, as I said last night, and I read the definition of heroes. And we do not have to explain to people what courage is and how courageous and brave these particular individuals were, we know that just because they are recipients of the Medal of Honor, they are amongst the most recognized, courageous and brave people in the history of this country.

I say with some sadness today that we lost one of our heroes who passed away at age 74, and I thought I would just read a brief paragraph or two about this particular hero. Douglas T. Jacobson, Douglas T. Jacobson who received the Medal of Honor was a Marine private, private in the Marine Corps for single handedly storming enemy positions on Iwo Jima, an action that resulted in the deaths of 75 Japanese soldiers, died in August. He had congestive heart failure.

Iwo Jima is often remembered for the photograph of the five Marines and the Navy Combat Medic raising the American flag on February 23, 1945, but the carnage of what occurred there was one, as described, as one of the most savage and most costly battles in the history of the Marine Corps.

This was taken from the obituary out of the New York Times. Unfortunately, obviously, Mr. Jacobson will not be in Pueblo, Colorado, but to his family, we mourn his passing and want them to know in Pueblo this week we will think about him. We will think about the action that he took on behalf of this country.

Moving on to another subject. I talked last night about the entertainment world, specifically I focused in on some of the video games that we can pick up or rent at the store or pick up or go down to the video arcade and play. I showed you a demonstration of some of them, including one which is called the Kingpin. And on the Kingpin, as I mentioned last night, you are actually able to put this video game on your video and focus in on the exit wounds of the person that you shot.

The game itself encourages you to be like a tough gang person and wipe out your opponents. And it is a gross miscarriage of, in my opinion, of responsibility, community responsibility, by some individuals, not all individuals, but by some individuals in the entertainment industry.

Mr. Speaker, I said yesterday in my comments that I felt that I probably represented 1 percent, maybe 2 percent, 3 percent of that entertainment industry that put that kind of trash out. Tonight while I was waiting for my opportunity to address my colleagues, I was back reading the New York Times.

And I noticed a story and I would like to say or comment on a response that was given to our concern in the United States Congress, our concerns as parents, parents who have young children that many of our constituents do, we expressed the concern of a lot of people and a lot of communities across this country.

Here is the response of one of the people of the entertainment industry, a guy named Larry Casinof, he is president of Threshold Entertainment, a company that makes, among other things, movies based on action oriented video games like Mortal Kombat and Duke Nukem.

Here is his comment about what Congress says about these video games, about what parents and communities are saying about these video games. I think it is a bunch of weasels scrambling for votes; that is exactly what this fellow calls my colleagues up here who express concern about the entertainment industry that small portion of the entertainment industry which puts this kind of garbage out there to be sold to our young people, with the intent of influencing our young people.

Let me tell you it would be interesting to call Larry on the phone and I wish had his phone number because I would call him this evening. In fact, if I could, I would bring a phone on to the floor, it is not allowed, but I would bring it to the floor and let my colleagues hear in the microphone, and I would ask Larry the question, Larry, do you have any children? My guess is he probably does.

Let us see. Larry, how young are they? And I would hope that his children are young. I would say Larry, do you buy these games? Do you buy Mortal Kombat, and do you buy Duke Nukem or do you buy Kingpin games for your own children? Do you allow your children to play the same kinds of games that you are profiting from by marketing to your neighbor's children, to your community's children, to your State's children, to the Nation's children.

My guess if Larry who has got the big mouth and says you are nothing but weasels if you question my integrity on putting this kind of trash out, my bet is he does not allow his kids near this stuff.

□ 2145

I think this guy is a self-righteous guy, and I do not mind saying it on the House floor; and I sure wish he would take a second look at his community responsibilities.

I sure wish he would take a look at some of the tragedies that we have suffered, some of the school shootings, Columbine High School, for example, in Colorado. I think he ought to take a look and say, gosh, are the people that are really worried about this, should we consider them vote-getting weasels or maybe, just maybe, it is somebody who is worried about the communities that they represent. I hope I get an opportunity some day to meet this fellow because I would like to ask him that question.

THE LIBERAL MEDIA BIAS

Mr. MCINNIS. Mr. Speaker, let me move on from there and mention something else. Obviously, we are in the presidential election; and when you get into an election that is as intense as this election is, the question always comes up, does the media favor one candidate over the other. Now, of course, as many of you know, obviously, I am a Republican, and I am concerned. I think that there is a liberal bias to the media in this country, not all of the media, obviously. We have many papers, the Wall Street Journal editorials which I think are outstanding. We have the Washington Times, but on a whole I think most people would agree that the media has a very liberal bent to it; that the media favors AL GORE as the next President of the United States. I think it has been clearly demonstrated in the last few days.

I guess a couple of weeks ago, an advertiser hired by George W. Bush put an ad out that had rats or something on the ad. You could not believe it. Many of you saw it. That became the headlines and the starting news story on the newscasts in the evening. They have played this story over and over and over and over. That word did not come out of George W. Bush's mouth, but they tagged him with it; and they have been tagging him day after day after day.

Well, another big issue that has come up in this presidential election is prescription drugs; and as I said last night, look, do not buy into what the liberal Democrats, not all Democrats because moderate and conservative Democrats do not necessarily agree with the liberal Democrat philosophy, but do not buy into their philosophy that they have the magic answer and that you are going to get something for nothing.

Prescription drugs are a huge problem in this country. Our medical delivery system is a huge problem in this country; but the quick and easy answer, especially for a politician, is to promise all of you that you can get

something for nothing; that the government will take all the responsibility; you do not have to worry about individual responsibility anymore; we will do it for you and it will not cost you anything.

Prescription drugs are a big issue, but they have to sell this. Hillary Clinton attempted this about 8 years ago. She attempted, and I will say the polls were way up here, it took a lot of guts to stand up against Hillary Clinton and the national health care plan that GORE and Clinton supported 8 years ago, but the American people did not buy into it. Once they had time to evaluate it, once they understood what the consequences of a national health care plan would be, once they understood how poorly the government managed its current health care delivery system, like veterans benefits, like Medicare, like Medicaid. Once they realized this, they did not buy into that.

Initially, when the Hillary Clinton proposal came out to offer a nationwide socialized health care plan, the polls supported it, the majority of Americans said hey, we are tired of paying the kind of prices, we are tired of getting it stuck to us by insurance companies and frankly in a lot of cases they were. So they supported this plan until they began to look at the details. But during that period of time, until the American people had time to let the details settle out, until they had time to weigh what the consequences were of this nationalized socialized health care plan, there was a lot of propaganda put out there.

Well, you know what? We are seeing the same kind of thing. You know what is happening? The media is giving AL GORE a free ride on it. Let me say exactly what I am talking about. Not all of the media, obviously, because this headline came out of the Washington Times. AL GORE, to try and push his numbers higher against George W. Bush, has gone out and we have seen this history with AL GORE in the past, AL GORE at one point said that the movie Love Story, which my generation remembers, that Love Story was written about him and his wife, Tipper. AL GORE went on later to say that he is the one who invented the Internet, and now in the last couple of days AL GORE has stood in front of senior citizens, and I will say one of the ways that the liberal Democrats are selling their plan and are attacking the conservative or moderate Republican/Democrat plan is by the doctrine of fear, so a couple of days ago AL GORE stood up in front of a group of senior citizens and he said to these senior citizens, he said my mother-in-law, who lives with us, has arthritis and she has to pay, and I think the number was $138 a month for her prescription every month, and he says our dog has arthritis and the same drug that is administered to that dog, why that prescription costs, I think he said $37 a month.

Well, you know what? Afterwards, some people began asking questions, well, what was the price of this drug and what was the price of that drug? And this is the result: GORE made it up. He made up the antidote about the cost of the drugs. His own staff admitted that AL GORE made it up.

In all fairness, and talk about fairness here, do you think that the media has put this out? This came directly from AL GORE's mouth, by the way. Whereas this rats ad, or whatever it was, did not come from George W. Bush; it came from an advertisement authorized by his campaign or whatever. But do you think the media has done much about this?

Frankly, AL GORE has had some problems with credibility with the administration that he is associated with, but he says now he is his own man; but yet he stands in front of the American public and he lied to us about this. He fabricated. That is the word they are using, not the word lie. He fabricated the facts because it sounded good.

Of course, it is alarming that the average person would pay $138 or something a month for prescription drugs and the same drugs used on the dog would be $37 a month. That is unfair. On its face, its outrageous. Of course, we sympathize with the Vice President. Of course, we are drawn in by AL GORE's story. He told that story for a purpose, to get votes, to get your votes, Mr. Speaker. Yet now his staff admits well, he fabricated the story.

At the beginning of my comment in regards to this issue, I said take a look at whether you are a liberal Democrat, whether you are a conservative serving up here, whether you are a moderate, take a look from a nonpartisan point of view and see if there is fair play going on out there with the media. Ask the media, hey, why is not this story being played up like these other stories? I can say if that was not GORE but Bush who made up the antidote about the cost of drugs, it would be the lead story on every national broadcast in this Nation. It would be the lead story, bold headlines in a lot of newspapers across this country. They would unmercifully attack Bush for this kind of little example. But look what happened. It is a small story in a lot of these newspapers.

My point tonight is to demonstrate to you, as we get in these presidential elections, we do not have a level playing field, in my opinion, with a lot of the media out there on this presidential race. I am saying, Mr. Speaker, most of our constituents, in my opinion, will eventually see through this, and I hope most of our constituents have an opportunity to stand back and make an educated decision on who they want to support for the White House.

Well, let me move off of this subject.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that suggesting dishonesty of the Vice President or questioning his credibility are violations of the rules of the House.

Mr. MCINNIS. Inquiry of the Speaker. That is a headline on a newspaper. Is that what the Speaker is referring to, is an objection to the headline off the Washington Times that says that the Vice President misled?

The SPEAKER pro tempore. Under the Rules of the House, quotes from a newspaper read in debate are held to the same standard as if spoken in the Member's own words.

FUN FACTS ABOUT WATER

Mr. MCINNIS. Mr. Speaker, I will move on to a new subject now and that is on water. I want to talk this evening about water. Water is a fun subject to talk about. Really, it is kind of boring. In Colorado, we are a State that has critical reliance on water, but I thought before we begin the discussion in earnest about the State of Colorado, I thought I would go through some fun facts that impact all of our colleagues out here, all of our constituents; some neat things, interesting things to learn about water.

As I begin this, most people do not think much about water unless it does not come out of the taps, or they do not think much about the quality of water unless their water is dirty. There are some major issues that evolve around the natural resource of water. Water is the only resource we have that naturally renews itself. It does not expire upon its use.

So I thought we would go over some interesting things that I have found about water. It would be kind of fun for us this evening to take a lighter moment and talk about some of these things.

First of all, I have titled this little chart, which obviously you can tell I have slapped this thing together, but there are some interesting things. Who was the American explorer who compared the western plains to the sandy deserts of Africa? Zebulon Pike, Pikes Peak of Colorado. Another interesting fact, and this pertains mostly to Colorado, but the largest reservoir in the State of Colorado is the reservoir called the Blue Mesa Reservoir.

Next, what percent of water treated by the public water systems is used for drinking and cooking? In other words, all of the water that is treated nationwide by your public treatment system, how much of that is used for drinking and cooking? Less than a percent. That is an interesting fact. I thought it was more than that.

In fact, I thought most of the water that was processed by your treatment facility plant was used for drinking and cooking, but less than 1 percent of it actually is.

What river in Colorado used to be called the Grande River? That is the Colorado River, and we are going to go in later on a little more depth about

the Colorado River. It is called the Mother of All Rivers.

Kentucky blue grass, an interesting point here, uses 18 gallons of water per square foot for each year. Tall fescue and wheat grasses use 10 and 7 gallons of water per square foot each year, respectively.

Riparian habitat makes up less than 3 percent of the land in Colorado but is used by over 90 percent of the wildlife in the State, which points out how important riparian habitat is; and our technological advances have shown us over the last 20 or 30 years why these riparian areas are so important for our wildlife.

Eighty-seven percent of the water leaving Colorado flows out of the Colorado River Basin towards the Pacific Ocean. The remaining 13 percent of water that leaves Colorado flows out of the Missouri, the Arkansas, and the Rio Grande River Basins towards the Atlantic Ocean. So 87 percent of water in the State of Colorado, and for a lot of you that are not from Colorado you will see why there are many references to Colorado, not just because I am from there but Colorado is really a critical State in the western States when we talk about the issue of water. As I just said, 87 percent of the water that goes into Colorado flows towards the Pacific Ocean and 13 percent of that water flows towards the Atlantic Ocean.

I might also add that Colorado is the only State in the Union where all of the free-flowing water goes out of the State. There is no water in the Continental United States, in any State in the Continental United States, like Colorado, that flows into Colorado. Colorado does not have any. It is an exception of one.

Producing a typical lunch hamburger, french fries and soft drink, this is hard to believe, uses 1,500 gallons of water; a typical drink, french fries and a hamburger. By the time you are able to grow the resources, produce the resources that are necessary to come up with your final product, you have gone through 1,500 gallons of water. It includes the water needed to raise the potatoes, the grain for the bun and the grain needed to feed the cattle and the production of the soda.

Let me move over here. The natural rotation of the earth, now this is one of the most amazing water facts that I have seen and for 18 years I have studied water, the natural rotation of the earth has been altered slightly by the ten trillion, ten trillion tons of water stored in reservoirs over the last 40 years, according to NASA.

So of the 10 trillion tons of water that is stored, it has actually altered slightly the rotation of the earth.

The Platte River, whose name means flat, was named by French trappers and explorers. The Native Americans in the region called it the Nibraskier, a similar word for flat.

□ 2200

The hottest spring water in the State of Colorado, 82 degrees Celsius, 180 degrees Farenheit is found in Horse Tents Hot Springs in Chaffee County. The largest hot spring in Colorado is the big spring in Glenwood Springs with a maximum discharge greater than 2,200 gallons per minute. I am from Glenwood Springs, Colorado, and I hope that many of you have already been through Glenwood Springs. It is a small town, a beautiful town, located about 40 miles north of Aspen, Colorado. If you have driven to Aspen, especially in the winter, you had to go through Glenwood Springs, and as you go over the bridge, if you go through there again, take a look and you will see that huge hot springs.

In May 1935, 10 miles south of Kiowa, 24 inches of rain fell in 6 hours. Note that the average for Colorado in a year, in a year in Colorado, the average precipitation we get is 16.5 inches, and here in Kiowa County, they actually got 24 inches in 6 hours. Grand Lake is 265 feet deep, the deepest natural lake in Colorado.

From 1820 to 1846, the boundary of the United States with Mexico was the Arkansas River. That was the actual boundary between the United States and Mexico, the Arkansas River. Wolford Reservoir, which is one of our newer reservoirs, located 7 miles north of Kremmling, Colorado, opened to the public over Memorial Day weekend, the 5.5 mile long reservoir covers about 1,400 acres and has a capacity of 26,000 acre feet and costs about $42 million to build.

Now, in our discussion this evening about water, we will be talking about acre feet, so it is a good time to define exactly what I mean by acre feet. An acre foot of water means that the amount of water over a 1-year period of time that would cover 1 acre 1 foot deep. Now, that is what an acre foot of water is. Eighty-nine percent of Colorado's naturally occurring lakes are found at altitudes above 9,000 feet.

Now, let us talk a little bit about Colorado and why this altitude is different or important. Colorado is the highest State in the Union. In fact, the district that I represent, the Third Congressional District of Colorado, which, geographically, is larger than the State of Florida, is the highest congressional district in the Nation.

In Colorado, we depend very heavily on the precipitation that occurs on those high points at that high elevation. That is what creates 80 some percent, and we will look at that statistic a little later on, but 80 some percent of the water as a result of the snowfall at that high precipitation. So as we point out here, 89 percent, almost 90 percent of our natural lakes are found at altitudes of 9,000 feet or higher.

The average humidity that we have in Colorado is about 38 percent; technically, 37.9 percent. There are more than 9,000 miles of streams and 2000 lakes and reservoirs open to fishing in the State of Colorado. A dry wash, we often hear the term dry wash. What that really means, they are stream flows that occur only for a short period of time after the snow melt or after a rain storm, something like this. That is what they call a dry wash, or gulch, et cetera.

Let me shift over here. The South Platte waters is used in the following ways. This is interesting. The South Platte, which is a major river in the State of Colorado, 10 percent for city and industrial use, 65 percent for irrigation, and 3 percent of the water for reservoir evaporation. Twenty-two percent of the water leaves that State.

Now, let us talk for a moment, leave this and talk just for a moment about water in general. Mr. Speaker, 97 percent, 97 percent of the water in the world is salt water, and of that 97 percent, 75 percent of the balance, so we have 97 percent of the water in the world is salt water, so we have 3 percent of that left, and 75 percent of that 3 percent is water that is tied up in the polar ice caps. So we can see that less than half of a percent is fresh water in this world that we would find in lakes and streams. Mr. Speaker, 73 percent of that stream flow in the United States is claimed by States east of a line drawn north to south along the Kansas-Missouri border. So 73 percent of the stream flow in this Nation is in the eastern United States. And, most of our rainfall occurs in the East, not in the West.

In fact, in many States in the East, their problem is getting rid of water. Our problem in the West is the ability to retain the water. Mr. Speaker, 12.7 percent of the water is claimed by the Pacific Northwest, which means that only 14 percent, about, 14.2 percent to be technical, so approximately 14 percent of the water, of the total stream flow of fresh water is shared by 14 States and these 14 States geographically consume more than one-half of the Nation in land area. Of those 14 States, Colorado sits at the apex. Again, back to the high elevation of the State of Colorado.

In Colorado, our high altitude semi-arid climate, we have 85 million acre feet, of the 100 acre feet we get approximately a year of moisture that falls in the State as precipitation. So we have about 100 million acre feet. Here is an interesting statistic. Of that 100 million acre feet, approximately 85 million acre feet of that goes away in evaporation or goes away in what we would call transpiration through where the plants take the moisture from the soil and it essentially evaporates through the leaves of the plants.

Let us go back here for some other interesting statistics that I think will help give us a good idea of just how

critical water is and how critical it is going to be in our future. Mr. Speaker, 48 million people in the United States receive their drinking water from private or household wells. In Colorado, water must be diverted for a purpose and for beneficial use. The reason I put this in there is that Colorado water law is very unique.

Our water law in the West is significantly different than the water law in the East. In the West, water actually is a private property right. One can actually own the water separate from the land. In some States in this Union, the water and the land go together. But in Colorado, they can be separated. In Colorado, it is necessary, and in the West in general, it is necessary for us to divert water.

Basically, in Colorado, we have as much water as we could possibly need during what is called the spring runoff, which lasts from about 60 to 90 days. But once that spring runoff is finished, the States in the West have to rely very heavily upon water storage. If we do not have the water stored, we do not have the ability to use it for the balance of the year that we do not have spring runoff. That is why water storage is so critical in the West.

What is interesting is that a lot of what we would call, I guess, politicians in the East criticize water storage in the West. It is because they are talking about two entirely different systems. It is almost as if we have two entirely different countries based on water differences. In the East, the water comes much heavier and it is treated, even legally is treated differently than the water needs and the water facts of the West, which is very important to remember as we go on here.

In the United States, approximately 500,000 tons of pollutants pour into our lakes and rivers each day. That is why all of us continue towards this effort of clean water and clean lakes. Now, we cannot be so extreme as to say, look, we cannot flush our toilets because there is a pollutant in the toilet. What we have to do is figure out where that balance is with the use of water, without getting too extreme on one side or the other side. It is interesting here that if you spill four quarts of oil, a can, four quarts of oil in a sewer system, by the time it is done, you will have about an eight-acre oil spread, eight acres, as a result of four quarts of oil.

Those are the kinds of things that we have to be very sensitive with about. That is why we have to be careful about the pollutants that are in our water sources and our water supplies. This is interesting. The maximum 24-hour snowfall in the United States is 75 inches which occurred in the mountains of Colorado in 1921. Can we imagine, 75 inches of water in a 24-hour period of time.

Here are some other interesting facts. We will jump down here. Well, right here. Evidence indicates that an ancient irrigation system was found at Mesa Verde and may have been in use by 1000 AD or even earlier. It is interesting, the Anasazi down in the Mesa Verde National Park, down in the four corners of Colorado, and by the way, if you have not been down to the Mesa Verde National Park, you have to go. Take a look at the Anasazi Ruins, they were fabulous. These people that lived in the cliffs, they were called the Cliff People, and that is where we find the first indication of the use of a dam in the United States, and it was by the Anasazi people who would go down by the stream below the cliffs, and the water, as I said, Colorado is an arid State, averages 16½ inches of rain or precipitation in a year. So they would go down and store their water. That is the first indication we found of the use of a dam.

In Colorado, for a dam, we actually have a ditch, the San Luis People's Ditch, which has been in operation since its construction in 1852. That is the oldest irrigation system that we have that is still in continuous operation in Colorado. Fresh, uncompacted snow, and this is important to remember about the snowfall that comes down. In Colorado, we have an arid climate. As I said earlier, our humidity averages about 37 percent. But did we know that those snow flakes, when you are out there skiing in Colorado or just walking in the snow, those snow flakes that you see, 90 to 95 percent of that snowflake is trapped air. Mr. Speaker, 90 to 95 percent of that snowflake that we see at least in Colorado is 90 to 95 percent trapped air and I think that percentage is probably very similar in Washington, D.C., or up in Connecticut, or New Jersey when it snows.

Denver, Colorado has an average snowfall of about 60 inches per year, and the snowiest season occurred in 1908 where they had 118 inches. Avalanches killed 914 people in the United States between 1990 and 1995. On an average year, on an average year, most of the avalanche deaths actually occur in my congressional district out there in Colorado, because the Third Congressional District of Colorado basically has all of the mountains of Colorado. There are some that are outside of it, but for the most part, the mountains in Colorado are in the Third Congressional District, and avalanche is a huge danger that we have to deal with. But I can tell my colleagues this in a little promotion here which I do not think it is against the rules; I hope my colleagues ski, we have the best skiing snow in the United States. Try some of our resorts, Aspen, Vail, Steamboat, Beaver Creek, Powder Horn, Purgatory.

Let us go back to water. Water usage, this is one of the most interesting charts that I have come across in regards to water. Follow through with me when we talk about water usage. Americans are fortunate. We can turn on the faucet and get at the clean, fresh water that we need. Many of us take water for granted. Have we ever wondered how much water you use each day? Here is an idea. For the average person out there, I say to my colleagues, this will give us an idea of what the average person in America uses, the basic needs for water each day. Direct uses of water, again, this is daily, drinking and cooking, the average person uses about two gallons of water a day to drink and cook with. Flushing the toilet, between five and seven gallons per day, or excuse me, per flush, I am sorry, per flush. Washing machine, 20 gallons per load. The dishwasher, 25 gallons per load. Taking a shower, seven to nine gallons of water per minute while you are in that shower.

Now, growing foods takes most of the water. In this country, a lot of people, if you ask what consumes most water, one, they will not think of evaporation and maybe it is a misleading question, because evaporation really zaps up our biggest amount of water, but right behind it, the number one use of water in this Nation is the growing of food.

It is in agriculture. Every day in the super market we take for granted how much water is necessary to grow that food. Well, here is a good example of what is necessary. If we have one loaf of bread, by the time we grow the grain and so on and so forth to produce that one loaf of bread, we have used 150 gallons of water, 150 gallons of water. To give us an idea, I am sure many of my colleagues drink bottled water like I do. I stop at the convenience store. I am trying to get away from a pop and buy a bottle of water. Multiply, think of what you have in that container, see how many of those containers it takes to make a gallon and then multiply that times 150, and that is how much of the water you are holding in your hands is going to be required for one loaf of bread.

Mr. Speaker, one egg, one egg is 120 gallons of water; 120 gallons of water is necessary to produce 1 egg. A quart of milk, one quart of milk requires 223 gallons of water. These are numbers we cannot even imagine. If you would have given me this chart, given me just to you the right-hand side of the chart, colleagues, and ask me to fill in the gallons, I would not have even come close to these numbers. One pound of tomatoes, 125 gallons of water for a pound of tomatoes; 1 pound of oranges, 47 gallons; 1 pound of potatoes, 23 gallons of water. As we go down here, it takes more than 1,000 gallons of water to produce three balanced meals a day for one person.

□ 2215

So for every person, every one of my colleagues, if we have three balanced

meals in a day, it has taken over 1,000 gallons of water to produce that food for us.

What happens to 50 glasses of water? If we had 50 glasses of water, very interesting, now, remember that evaporation is considered a portion in this, but what happens to our 50 glasses of water, if we had 50 glasses of water lined up, 44 glasses, as demonstrated right here, 44 of these glasses would be used for agriculture, for growing the food products that we eat; three glasses would be used by industry; two glasses would be used by the cities; and a half a glass would be used in the country.

I think this chart demonstrates just how critical water is. Now, obviously, we all know most of our body is made up of water, so we do not have to educate people about the importance of water. But it is interesting to just see how water interplays with everything that we do in any given day and how the circumstances of water are a lot different in the West than they are in the East.

Let us go back to Colorado. As I mentioned to my colleagues earlier, Colorado is the only State in the continental United States where all of our water flows out. We have no free-flowing water that comes into Colorado for our use. That is a very important issue here. So I thought I would point out particularly, colleagues, why in Colorado water is our lifeblood. It was written by Thomas Hornsby, the poet, and it is inscribed in our State capital that out in the West life is written in water. Life is written in water.

Here is an idea of what flows out of the State of Colorado. It gives us the average annual outflow of major rivers through 1985. So while the statistic is through 1985, it still holds pretty accurate today. Our total that we show here is about 8 million acre feet. The total of all rivers in Colorado is about 10.5 million acre feet.

We have up here, out of the South Platte, about 400,000 acre feet of water that flow out every year. We have the Republican River, about 14,000 acre feet. Over here we have the Arkansas River, which is 133,000 acre feet. Down here on the Rio Grande we have 313,000 acre feet. Over here on the Animas River we have about 663,000 acre feet. Up here on the Yampa River we have 1,500,000 acre feet. And here on the Colorado River, the river that I mentioned earlier in my remarks known as the mother of rivers, the Colorado River, earlier named by the Indians as the Red River and then later changed to the Grand River and then later Colorado, Colorado is the Spanish name for red, is 4,540,000 acre feet; 4,540,000 acre feet out of just the Colorado River.

What is interesting here are our different river basins, and I will go through those very briefly with my colleagues. We have a good map here in color that gives a pretty clear demonstration of what we call the four major river basins. We have four major basins that drain most of Colorado. All of these river basins in this State are at the apex of those 14 States which consume over half the Nation.

Lots of statistics here but, needless to say, Colorado is the critical piece of the puzzle for western water. When we take a look at that, we have four major river basins. We have the South Platte, also known as the Missouri River Basin; we have the Colorado River Basin here in the purple; here in kind of the bland green we have the Rio Grande River Basin; and over here in the lighter green we have the Arkansas River Basin.

I thought I would talk about each of these river basins. First of all, the Missouri, which is up here in the red, and that is up in what I would call the northeastern part of the State of Colorado. Its primary river in the Missouri Basin or the South Platte River Basin is the South Platte River. Now, the South Platte River drains the most populous section of the State and serves the area with the greatest concentration of irrigated agricultural lands. So the greatest concentration of irrigated agricultural lands in Colorado is up in this section of the State.

The main stem of the river flows north, then east, and meets the North Platte in southwestern Nebraska. The South Platte River, which starts here, follow my pointer here, that is the South Platte River, up into Nebraska, is 450 miles long, with 360 miles of that in the Colorado River.

Rivers east of the divide. Now, remember that we have what we call a Continental Divide which runs from Mexico to Canada. And through Colorado it basically goes, following my pointer, basically goes like this. And on the east side, rivers east of the continental divide eventually will flow to the Atlantic Ocean from Colorado. Rivers here on the west side of the Continental Divide eventually flow to the Pacific Ocean and to the Gulf of Mexico. All the way from here to the Gulf of Mexico or to the Pacific Ocean.

The Arkansas River Basin, again down here in this lighter green, begins in the central mountains near Leadville, Colorado. It flows south and east through the southern part of Colorado towards the Kansas border. The Arkansas River, this river right here which I am following here with my pointer, that river is 1,450 miles long, and 315 miles of that river are in the State of Colorado.

We move over here to the Rio Grande River. Again, back to my pointer here, that is the Rio Grande in this kind of bland green here. The Rio Grande drainage basin is located in south central Colorado and it is comparatively small, with less than 10 percent of the State's land area. The Rio Grande River is 1,887 miles long, with 180 miles in Colorado.

And now, let us talk for a moment about the Colorado River Basin. The Colorado River Basin, of course, is this area that is located right here in the purple. That is the Colorado River. We can see how many rivers and tributaries come into the Colorado. There is the Gunnison, the Roaring Fork, and in that river basin we also have the Yampa River, the White River, and the Animas River, and we could continually go down, but the Colorado River, the Colorado River system, drains over one-third of the State's area.

Twenty-five million people use water out of this basin for drinking water. Twenty-five million people depend on Colorado, specifically the Colorado River Basin, which is a good portion of western Colorado, 25 million people depend on their drinking water from this area of Colorado. Less than 20 percent of the Colorado River basin lies inside Colorado. So the length of the Colorado River Basin, less than 20 percent of that Colorado River is in that basin. But 75 percent of the water, 75 percent, goes into this basin comes from the State of Colorado.

It provides clean hydropower. We have 2 million acres of agriculture in the Colorado River Basin, and the Colorado River is 1,440 miles long, with just 225 miles of it in Colorado. Although, as I said, Colorado, in that 225 miles, puts 75 percent of the water into that river.

Now, the Colorado River Basin, our native flow, basically is close to 11 million acre feet a year. There are a lot of statistics here, but let me say to my colleagues that what we have become very dependent upon, if we flip this over very briefly, or if we pretended for a moment that this was the United States of America and we divided the country in half and we were to call this the western United States and we would call that the eastern United States, the critical factor to remember about water is that geographically there are two entirely different systems.

Water in the East has many, many different dynamics than water in the West. That is why when I talk with my colleagues, when I talk with them about water issues in the West, it is so important for my colleagues to remember that the water issues my colleagues face here in the East are different. There are different dynamics, there are different geographical constraints, there are even different uses and storage of the water.

Storage in the West is absolutely critical. If these States in the western United States did not have the water storage, for example, like Lake Powell, we would be in a real hurt. We could not exist on these lands, one, if we did not divert water from the streams; and, two, if we were not able to store the water.

I just pulled out Lake Powell. I do not know, I wonder how many of my

colleagues have ever been to Lake Powell. It is spectacular. In fact, Lake Powell is so large that it has more shoreline than the entire Pacific West Coast. More shoreline in Lake Powell than the entire Pacific West Coast. It is one of the primary family recreation spots in the western United States. There are not many families in the western United States that do not know about Lake Powell, but there are a lot of families in the eastern United States that are not aware of the importance of Lake Powell, not just for recreation, family recreation, but to the whole western water system, for water storage, for clean hydropower.

The dam will hold about 27 million acre feet. The surface area is about 252 square miles; about 161,000 acres. This dam is so critical for our power. It provides power for millions of people. And needless to say, in the last couple of years we have seen a serious effort by the national Sierra Club to take down Lake Powell; to drain Lake Powell. And this is an example that points out the naivete, in my opinion, and I say that with due respect, but the naivete of an organization out of Washington, D.C. which comes out to the West to dictate what is in our best interest with western water.

There are a lot of physical characteristics, some of which I have mentioned about Colorado, that are important to remember when we talk about western water. First of all, the fact that all of the water in our State runs out of the State; the fact that we have an arid State. We do not get lots of moisture year-round. Out here in the East, in an average year, there is pretty steady moisture. In the West, the primary moisture we get is in winter, and most of that moisture is in the Colorado mountains, the high Colorado Rockies. As I mentioned to my colleagues earlier, for the Colorado River, for example, 75 percent of that River Basin comes off that snow melt that we get in the high Colorado Rockies.

I mentioned earlier as well the different rivers that we have. That is why Colorado, and again we have the four major river basins, and why when we talk about water in the West, when we talk about water in this Nation, Colorado always surfaces. It is kind of a centerpoint.

Now, when this country was first formed, the Federal Government said, just because all the water in the West falls in one State does not mean that one State should own all of that water. We have to have interstate compacts. Let us create agreements between the States so that the States have a way for reasonable use of the water but they share the water as a country instead of keeping all the water as a State. And those interstate compacts, as most of my colleagues on the floor know, are critical for the use of this water.

So, for example, we do not go to war, and I can tell my colleagues that there have been plenty of so-called water wars, not the kind of wars where there are lots of deaths, although there have been deaths, but we had water wars in the past, and the interstate compacts have primarily brought peace to the region by fairly dividing up, or at least what was considered fair at the time, those water resources.

□ 2230

There are a lot of interesting facts about these Federal river compacts. For example, the Colorado River Compact, believe it or not, the country of Mexico is entitled to parts of the Colorado River. In fact, the country of Mexico is entitled to a million and a half acre feet of the surplus water, a million and a half acre feet of the Colorado River.

How did that come about? A very interesting story. In World War II, the United States and Mexico were afraid, that is right, that the Japanese were going to invade Mexico; and Mexico came to the United States and said, would you enter our country and help protect us against the Japanese? And the United States also had a concern. We did not want the Japanese on our border coming through Mexico. So we agreed to enter the country and defend Mexico.

But Mexico understood our superior bargaining power, so they said, now look, if you are going to defend our country of Mexico, you really ought to give us some water for it. So the United States agreed to give about a million and a half acre feet of water every year to Mexico.

Now there is even a dispute where that water comes from. We have under the Colorado River Compact upper States and lower States, and even the dispute is how does that get split. It is supposed to be split evenly, 7.5 million acre feet with the lower States and 7.5 million acre feet with the upper States. But the lower States at times have argued, wait a minute, it comes out of surplus water and since there is no surplus water in the lower States, it all ought to come out of the upper States.

As you can see, the water arguments are intense throughout this Nation. But tonight the purpose of my comments on speaking on water, and as I summarize, my purpose here is that I hope my colleagues in the East understand that in States in the West like Colorado and Wyoming and Montana and California and Arizona and Utah and New Mexico, that these States are unique water States, States with unique water problems.

Colorado, as I said, is right at the apex. We have got the Continental Divide where the water on the east side of the divide flows to the Atlantic Ocean and on the west side of the Divide it flows to the Pacific Ocean.

We have 25 million people that depend on the Colorado River Basin for drinking water. These are issues that should not be downplayed. You know, on the East you do not feel the pain that we have in the West with our water. But I am asking that you understand the pain and I am asking that, before you agree with legislation and before you sign on the dotted line, for example to take down reservoirs like Lake Powell, that you have a clear understanding of the circumstances that are created when you alter the water system in the West.

In Colorado, we feel that water is for Colorado people; but we understand in Colorado that we have an obligation under the compacts to share that water. At the same time, we think there is a responsibility from neighboring States and from our fellow citizens in the eastern part of the country to understand what the unique needs are of the people of the State of Colorado.

Why multiple use and the protection of that water, whether we keep it there for minimum stream flow or whether we use it for agriculture uses that it has been well thought out over hundreds of years, 150 some years in Colorado, it has matured as we go through time.

It has matured, the uses of this water. And it should not be easily dismissed by political movement coming out of some of my colleagues on this floor.

So, in summary, I know tonight primarily the discussion has been on water. To many of you perhaps it has been somewhat boring because water is not your primary focus in Congress. But I can tell you from those of us in the West, those of us in the Rocky Mountains, water is probably the number one issue when we talk about what can we do for future generations.

So I appreciate your understanding this evening. And, in conclusion, let me tell you some phrases that we take credit for coming out of the waters in the West.

The phrase ''sold down the river.'' We do not want to be sold down the river in the West by those of us in the East. And we do not intend to sell you down the river in the East, either. We want a good cohesive partnership when it comes to water issues.

''Swallowed hook, line, and sinker.'' There are people that want you out there to swallow hook, line, and sinker that Lake Powell should be drained.

''Doesn't hold water.'' They want you to think storage does not hold water or there is a better way to do it.

''Not worth a tinker's damn.'' We think water in the West is an issue that is worth a tinker's damn.

And finally, ''fish in troubled water.'' We in the western United States will be a fish in troubled water if we do not have interests and understanding by

our colleagues and our citizens in the East. It is the United States and it does require understanding between these two graphically different areas of the country as to our water issues.

ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again tonight to talk about the issue of illegal narcotics and its impact upon our society.

Tonight I am going to focus on a topic that I have discussed usually on Tuesday nights in the past before my colleagues and the American public, and that is the specific impact of illegal narcotics on our communities and on our population.

Tonight I will bring up again the chart that I did before, the little poster that I have had here on the floor before. And it, basically, says that drugs destroy lives, a large poster background. I think this background is fitting tonight to bring out again. It is a rather large poster. It talks about a rather large problem: drugs destroy lives.

It is a simple message, simple poster. I have had it on the floor before. We have used it in my district to demonstrate that illegal narcotics are, in fact, wreaking havoc upon young people's lives and also all Americans' lives.

Tonight I want to specifically release some data that was given to our Subcommittee on Criminal Justice, Drug Policy, and Human Resources today, and that is a startling announcement and a startling revelation that, for the first time in the history of the United States of America, the drug-induced deaths exceed homicides across our land.

These are the figures that we have. Some 16,926 Americans lost their lives to drug-induced deaths in 1998. Murders in that year were 16,914, an incredible milestone in a problem that we are experiencing across the land from the East Coast to the West Coast to the Canadian border down to the Mexican border. And for the first time, again in the statistical compilation of the United States, drug-induced deaths exceed murders.

It is a sad milestone but, again, one reflected in so many communities affecting so many families and destroying so many lives.

This is indeed a sad turn of events for our Nation. And it is sad, too, that the administration under which this has occurred, the Clinton/Gore administration, has not paid attention to this problem and has tried to sweep the problem aside.

What really disturbs me as Chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources is the attempt in the last few weeks since I guess we are getting close to election to try to put a happy, smiling face on the problem of drug abuse and illegal narcotics misuse in this country.

There have been some staged events with the Secretary of HHS and other drug officials of this administration to try to come up with anything that puts a happy face on the problem that we face with illegal narcotics.

Unfortunately, this is probably their worst nightmare. We announced these findings today. It will be interesting to see what kind of a spin the media puts on this and also the administration.

The spin they have attempted to put on is that they are making progress. I think we have some facts tonight that dispute that.

The drug-induced mortality rates, and let me read from the National Vital Statistics Report, which is produced just within the last 60 days, talks about this total of death. It says, in 1998, again a total of 16,926 persons died of drug-induced causes in the United States. It says the category of drug-induced causes includes not only deaths from dependent and nondependent use of drugs, but it also excludes accident, homicide, and other causes indirectly related to drug use.

So the figure that we have here, this 1998 figure, which is our last record, is actually a much smaller figure than if we take into account all of the drug-related deaths in this Nation.

Now, the drug czar, Mr. Barry McCaffrey, has testified before our subcommittee that if we take all the drug-related deaths in the United States on an annual basis, we are approaching 52,000, equal to some of the worst casualty figures in any war in which we have been engaged.

This goes on to report that between 1997 and 1998, the age-adjusted death rate for drug-induced causes increased 5 percent from 5.6 deaths, now this is in 1 year, increased 5 percent from 5.6 deaths per 100,000 U.S. standard population to 5.9 percent, the highest it has been recorded since at least 1979.

The rate increased by 35 percent from 1983 to 1988, and that was back in the Reagan administration, the beginning of the Reagan administration, then declined 14 percent between 1988 and 1990, part of the Reagan administration and Bush administration; and it increased every year since 1990, beginning I guess the last part of the Bush administration. Between 1990 and 1998, the age-adjusted death rate for drug-induced causes increased by some startling 64 percent.

In 1998, the age-adjusted death rate for drug-induced causes for males was 2.3 times the rate for females and the rate for the black population was 1.4 times the rate for the white population.

And this also confirms other statistics that have been presented before our drug policy subcommittee that in fact those who are harmed the most by illegal narcotics are the minority population, including the blacks and Hispanics who are suffering right now not only from the problem of drug abuse.

But also, if we looked and examined the deaths here, we would see that the minority population is affected on a disproportionate basis.

□ 2245

In fact, during the Clinton administration, the number of drug-induced deaths has risen by approximately 45 percent in just 6 years. What is interesting, too, in these statistics that we have here is not the 1999 murder rate, and we do have the 1999 U.S. murder rate according to the FBI's uniform crime statistics. We do not have the drug deaths. The last compilation we have is 1998. But in 1999, we actually had a falling of the murder rate in the United States to 15,561. So we have a much greater number of drug-induced drug deaths; and we are certain that the figure we will get in 1999 will even exceed what we see in 1998. So by a dramatic increase even over this year's murders in the United States, we see drug-induced deaths surpassing that number.

Most people are concerned about weapons and destruction of life through guns and knives and other means of murder and mayhem. Now we have a statistic that should startle every Member of Congress and every American, particularly every parent and every community leader, that drug-related deaths have exceeded homicides.

It is ironic that last week one of the communities most hard hit in the Nation by illegal narcotics is Baltimore, a beautiful historic city just to the north of our Nation's capital. Baltimore has had the misfortune of having in the past a very liberal mayor, a very anti-enforcement mayor, a very pro-narcotics and liberal utilization of illegal drugs lack of enforcement in that city over that mayor's tenure.

Fortunately, they have a new mayor, Mayor O'Mally. But Baltimore has been ravaged by illegal narcotics and again by a very tolerant policy. This headline was last week in the Baltimore Sun. It says ''Overdose Deaths Exceed Slayings.'' It again cites that the number of deaths in that city by illegal narcotics and drug overdoses exceeds murders in the city. In fact, the State medical examiner's office reported that 324 people died of illegal drug overdose in Baltimore last year, passing the total of 309 homicides. In 1998 there were 290 overdose victims and 313 homicides. I hope later on to spend a little bit more time talking about the policy in Baltimore that turned into a disaster. And certainly this community is facing now the same thing that we see on a national level.

This is an urban setting. Baltimore is an urban community. I come from a suburban area, the area just north of Orlando, Florida, a very family-oriented community and region. We have had, and I have held up here headlines from 2 years ago that the number of drug overdose deaths exceed homicides in central Florida, also. So we have suburban areas that are well-to-do; we have urban areas such as Baltimore that now see the same thing happening. We see rural areas impacted by illegal narcotics. We see every age bracket impacted by illegal narcotics.

Unfortunately today we announce that for the entire Nation, drug-induced deaths have exceeded murders across our land.

If I may, I would like to also focus on this chart that shows from the beginning of the Clinton-Gore administration, some 11,000 drug-induced deaths, up to 16,926, just shy of 17,000. Again, that represents a 45 percent increase under this administration's watch. Now I see why they want to talk about prescription drugs now. I see why they like to change the subject. Now I see why they like to report any glimpse of favorable statistics relating to drug abuse and illegal narcotics use, because this in fact is one of the most dismal figures and dismal legacies by any administration, Republican, Democrat or in any Nation. It is a very sad milestone for this country.

What really disturbs me, too, is the misuse of some of the data that has been released recently. Our Congress has required the administration under Public Law 105–277 to establish measurable goals in the funds and programs that we assign for combating illegal narcotics, particularly in a multibillion-dollar drug education and prevention program. We ask the drug czar and the administration to report back to the Congress on their efforts to curtail illegal narcotics on a performance basis that is measurable so we know that we are putting money in and we are getting results out.

One of the objectives of the report that has come to us was that we would reach an 80 percent level of our 12th graders, or young people, by the year 2002 perceiving drug use as harmful. That was the goal that we reach. Unfortunately, in some of the statistics that have been released lately to put a happy face on the drug abuse and misuse situation in our country, I have found the administration is changing baselines. For example, in 1996, 59.9 percent of the 12th graders perceived drug use as harmful. Even after we have run the media campaign, we find that in 1998, it dropped to 58.5 percent of the 12th graders perceived drug use as harmful. In 1999, they have even backslided more according to the information that we have obtained, and we are down to some 57.4 percent of the 12th graders now perceive drug use as harmful. The goal, remember, was to achieve 80 percent by 2002. So it is rather scary that they would take a new base year, 1998, rather than 1996, and now claim a 1-year decline, a modest decline and change from assessing 12th graders to eighth graders because they did find that 73.3 percent of eighth graders saw marijuana use as harmful. By using the 73.3 percent of eighth graders, they now only fall somewhere around 7 percent from reaching their 80 percent goal.

These are some of the statistics touted by the administration, but a clever change in the group that was surveyed and judged and also changing the baseline. But the facts remain pretty clear that in fact we have an epidemic of illegal narcotics use among almost every age group.

According to a January 26, 2000, white paper which was published by the National Center on Addiction and Substance abuse, which is also known as CASA, eighth graders in rural America, if we take out those eighth graders in rural America, 83 percent are likelier than eighth graders in urban centers to use crack cocaine; 50 percent are likelier than eighth graders in urban centers to use cocaine; and 34 percent likelier than eighth graders in urban centers to smoke marijuana. And 104 percent likelier than eighth graders in urban centers to use amphetamines including methamphetamines. If we start looking at some of the subsections of eighth graders, and in this case this study looked at rural eighth graders, we see a horrible trend in illegal narcotics use; and we are talking about crack cocaine and methamphetamines which have caused a tremendous amount of damage, death and destruction and I am sure in this figure of death we would even find those young people.

We find another report from May of this year that the number of heroin users in the United States has increased from 500,000 in 1996 to 980,000 in 1999. Again, this is not part of the administration's report to the American people. Nor would they want to talk about this statistic or this legacy, especially so close to the election. The rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 in 1,000 in 1996. This is not a statistic that we heard touted by the Secretary of HHS or our drug officials.

First-time heroin users are getting younger, another legacy of this administration, from an average of 26 years old in 1991, just before they took control of the administration, to an average of 17 years. That means the first-time heroin user in 1991 was 26 years of age. They have managed to bring that down to 17 years of age by 1997, not a pretty statistic; but we see why drug deaths are dramatically increasing in the United States.

According to a very recent Associated Press article, June 11 of this year, a survey conducted by the national drug control policy office itself said that about 80,000 12- to 17-year-olds and 303,000 18- to 25-year-olds admitted using heroin in 1998. According to DEA, our Drug Enforcement Administration, in 1990 the average age again of someone trying heroin was 26.5. We said in 1992 27 years of age, and again this administration managed to turn it around to an average of age 17.

A study conducted by the Centers for Disease Control and Prevention for 15,349 students grade nine through 12 revealed that in 1991, again just before this administration won office in 1992, 14 percent of students surveyed said they used marijuana. That number increased to 26.7 percent in 1999. Students reporting that they tried marijuana at least once increased from 31.3 percent in 1991 to 47.2 percent in 1999.

Unfortunately, what we see during the past 7 years has been an increase in drug use and abuse in almost every category. We have some statistics that do not get publicized. For example, 4 percent, or 595,640 students, enrolled in grades nine through 12 have used cocaine according to the most recent study in the past month.

□ 2300

That is up dramatically over again the beginning of this administration. Methamphetamines, which were not even on the charts at the beginning of this administration, we have 99.1 percent or 1,355,018 students enrolled in grades 9 through 12 have now used methamphetamine, almost 10 percent of the students enrolled in grades 9 through 12.

If you want to worry about drugs and prescription drugs for elderly, and that is a serious concern that we must address, and we must make certain that those who are elderly and infirm or in need have prescription drugs, that is an important topic. But this topic that I present tonight is extremely important, particularly to our young people, when again we have a startling statistics like this.

Mr. Speaker, almost 10 percent of our young people have tried methamphetamines, and we have again 2.4 percent of our students enrolled in grades 9 through 12 have used heroin. Heroin, which we find now in a more deadly and potent form than we ever have, and I have cited the increases in marijuana use, which have nearly doubled in the terms of this administration. 2.8 percent of the students enrolled in grade 9 through 12 have injected illegal drugs, that is 268,038 students, again, in our most recent report.

These are not statistics again that you will hear from the administration, and the media unfortunately does not want to cover this problem. They, the media, have a more liberal bent, and

they have, along with the administration, been guilty of sweeping this problem under the table.

One of the problems that we have, how did we get ourselves into a situation with these statistics, with drugs, drug-induced deaths now exceeding homicides in the United States. I want to say it was not easy. It took the Clinton administration almost 7 years to dismantle and systematically take piece by piece apart what was a very effective war on drugs.

Mr. Speaker, in fact, if we look at a period from 1985 to 1992, we saw over a 40 percent decrease in drug use in this country. The Clinton-Gore administration has failed to make the drug war a top national priority. Now, how can a President of the United States make drug enforcement, drug prevention, drug education, drug interdiction or a war on drug real when only eight times in 7 years, just prior to our work this year on the Colombian package, did the President mention the war on the drugs in his public addresses.

As a result, we have witnessed an explosion in drug use and abuse. We have witnessed an incredible amount of production of coca, the base for cocaine and opium poppy, the base for heroin, in Colombia. And I have cited in past special order presentations how this administration systematically first stopped in 1994 information sharing to the chagrin of even the Democrats, who protested their move, who stopped providing surveillance information that could be used in shoot down by other countries trying to stop drugs within other countries borders, not U.S. forces, but other countries which saw a resurgence in drugs leaving the source countries.

We saw again a policy where aid and assistance was blocked for some 3 years by a misapplication of our drug certification law, and we saw the stopping of aid even appropriated and designated by the Congress to get to Colombia that did not get to Colombia, and then finally when some few helicopters that we asked 3 years and 4 years for to get there to get to the illegal narcotics to go after the traffickers in the mountain terrain. When they finally arrived, it was almost in a ludicrous situation and a condition that they arrived without proper armoring which led us to require this Congress to pass a $1.3 billion package in emergency funding just recently. And we saw the President of the United States attempt to grandstand and also blur the issue of the tragedy that he had helped create in Colombia through very specific missteps and policy.

Despite that billion dollars in aid, we still see a tide of illegal narcotics coming into this country, that is because our Panama forward surveillance post was closed down, the administration bungled the negotiation of keeping our antinarcotics surveillance base in Panama, and it may be some 2 years before we get the surveillance capability, the forward-operating capability, the interdiction capability. That is why we have an incredible supply of drugs coming in and they are killing our young people.

Why are they coming in? Again, because of some direct and inappropriate missteps by this administration to stop drugs cost effectively at their source and also stop them by taking the military out of the surveillance business. And we know that this administration from 1992 to 1999, according to this report provided to me as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, this administration cut antinarcotics flights, they declined from some 46,264 to 14,770 or some 68 percent from fiscal year 1992 to 1999. That is why we have a flood of illegal narcotics, heroin and other drugs in our streets and in our communities.

This report further details, again prepared by the General Accounting Office, that the administration cut ship days devoted to supporting interdiction of suspected maritime illegal drug shipments, which declined 62 percent from 1992 through 1999. So if you wonder why we have illegal narcotics in incredible quantities coming in to our country, here in fact is the evidence.

When you close down a real war on drugs, the result is death in our streets and now drug-induced deaths have exceeded homicides in our land for the first time.

Mr. Speaker, the other problem that we have and many young people do not realize, and even adults who are using the narcotics that are coming in, for example, the heroin that is on the streets today, the purity levels are incredibly high.

In the 1970s and 1980s, there were 3 percent and 4 percent, 5 percent purity levels in the heroin that was on the streets. Today it is not uncommon to find 70 percent or 80 percent pure heroin when mixed with other drugs or alcohol is resulting in the deaths drug-induced deaths, that we have seen that again have now skyrocketed above murders in the United States. Even though the Republican-led Congress has instituted a $1 billion antidrug media campaign, we still see us losing the war on drugs in the United States for several reasons.

First of all, we have not had a war on drugs since 1993. The Clinton administration, one of its first steps was to dismantle the drug czar's office and slash the positions from some 120 down to several dozen. We have helped build that back up and with the aid of a new drug czar, Barry McCaffrey, we have made some progress in putting Humpty Dumpty back together again.

The interdiction and source country programs are both cut by some nearly 50 percent, and that was a further blow to any effective war on the drugs. And even with the institution of a $1 billion media campaign matched by a billion dollars and donated, we are still far away from winning or recreating a real war on drugs. Unfortunately, we found that in our subcommittee, the reports that we are getting even dismay us more. Heroin users, as I said, are even younger than ever.

We are finding also that emergency room reports and incidents of drug overdose in our hospitals and treatment centers are also dramatically on the increase.

Mr. Speaker, I am told by some local officials that the only reason that we do not have even higher death rates by drug-induced deaths is that, in fact, we have gotten a little bit better at the emergency treatment, but emergency room doctors reported in 1997 and 1998 that heroin is involved in four to six visits out of every 100,000 by use, 12 to 17 up from 1 in 100,000 in 1990. For young adults, from 18 to 25, 41 emergency room visits in every 100,000 involved heroin up from 19 in 1991. Among women, in general, the numbers have doubled in a decade. Again, more troubling information that comes before our subcommittee.

Mr. Speaker, we also have reports that dismay me not only about illegal narcotics but about other types of addictive habits, and we have heard some talk from this administration about cutting down tobacco use. Unfortunately, from the President, from the Executive Offices of the Presidency, we find that they may talk about tobacco, but they have their own way of sending the wrong message.

When you see the President of the United States smoking a cigar and talking about cutting down on tobacco use, it has obviously sent a dual message to our young people. Some of the reports that again my subcommittee have received that cigar smoking and the numbers of cigar smokers and the amount of cigar use is on a dramatic increase.

□ 2315

This report that our subcommittee received, and this was prepared by a number of doctors and a medical report, said the trends in cigar smoking between the years 1993 and 1997, the consumption of all types of cigars in the United States increased by 46.4 percent, reversing a steady decline of 66 percent in cigar consumption from 1964 to 1993.

Between 1993 and 1997, consumption of large cigars increased some 69.4 percent. Unfortunately, this is also affecting our college population and a survey of some 14,000 college students done in 1999, last year, found that 46 percent had either smoked cigarettes, cigars or used smokeless tobacco in the previous year.

Cigar consumption increased by 50 percent between 1993 and 1998, reversing a 30-year decline. Of course, I take

the legacy of having more drug-induced deaths much more seriously than I do the cigar smoking report, but it just shows that when you set a bad example a bad example is followed by our young people, by our college students and by our general population.

One of the problems we have with this whole illegal narcotics issue is lack of national leadership on the issue. When you do not talk about it, when you destroy programs that were built up to deal with it, or you misdirect resources appropriated by the Congress to resolve the problem, we see the results, and they are not very pretty.

One of the most serious problems that we face today in the area of illegal narcotics is a new drug that is on the scene in large quantities. Some of these drugs are referred to as designer drugs or club drugs. In particular, I want to talk a few minutes about ecstacy. We have a July 2000 Joint Assessment of MDMA Trafficking Trends, that is ecstacy trafficking trends, which is produced by the National Drug Intelligence Center, in cooperation with the Department of Justice Drug Enforcement Administration and the U.S. Customs Service. This assessment talks about trends in ecstacy. Sometimes our statistic-counting does not even keep up with what is happening in the real world.

Some of that was evidenced today in the hearing that we conducted when we announced that for the first time in the history of our Nation that drug-induced deaths, drug-related deaths, exceeded homicides in our country. We talked to the statistic-gatherers and sometimes their statistics do not keep up with what is happening on the streets. That is unfortunate. But we found with this recent report, through, again DEA, Customs, Department of Justice, a trend with ecstacy that is startling. Nearly 8 million ecstacy pills have been seized by the U.S. Customs Service and the Drug Enforcement Administration from January to July 2000. That is 20 times the numbers seized in all of 1998.

An article in USA Today, just a short time ago, stated that U.S. Customs seizures of ecstacy have risen some 700 percent in the past 3 years from some 381,000 tablets in 1997 to more than 3.5 million in 1999. One of the things that we have learned about ecstacy is most of the ecstacy coming into the United States is produced at a very high profit, sometimes just a few pennies to produce this ecstacy and sometimes the ecstacy tablet sells for somewhere between $20 and $45 a tablet in the urban and rural areas of America, so there is high profit in this. It is a new drug of choice. It is a drug that young people are told is harmless, and it is a drug that is very common in some of the raves and youth dance clubs around the country. DEA intelligence reports, our drug administration intelligence reports, find that ecstacy dealers in Europe have joined with Israeli organized crime groups, have also found that more than 80 percent of the ecstacy coming into the United States is manufactured in the Netherlands. I am pleased to report that our U.S. Customs Service is going to reopen our operation in the Netherlands, and we will have agents stationed there. We will also increase our resources there to go after some of these traffickers, and I appreciate the cooperation of DEA and Customs in that effort. When we know where illegal narcotics are coming from, we can apply the resources to go after people who are delivering death and destruction to our communities.

Customs officials at Kennedy Airport in New York seized over 1 million ecstacy pills in just the first nine months of 1999. Ecstacy was first identified as a street drug in 1972, but we have never seen anything like the amount of ecstacy that has been seized. Just this year, since January 1, the U.S. Customs Service reported to our subcommittee that it seized over 219,000 ecstacy tablets just in Florida, my home State, and they had a street value of almost $7 million.

In May of 2000, U.S. Customs officials seized 490,000 ecstacy tablets, the largest single amount seized in the United States to that date, from a courier at the San Francisco Airport. Right now the Drug Enforcement Agency estimates that over 90 percent of all ecstacy smuggled into the United States is in capsule or pill form and 10 percent is in powder form.

MDMA, again ecstacy, that threat is expected to approach the methamphetamine threat that we now see in this country by the year 2002 or the year 2003. The National Household Survey on Drug Abuse shows an increase in lifetime use of ecstacy, MDMA, by almost every age group in the country, especially the 18 to 25 age group whose use increased from 3.1 percent in 1994 to 5 percent in 1998.

I would just like to say a few more things about ecstacy. We received many more reports of bad ecstacy and ecstacy mixed with other drugs that is having fatal results across the land. This is a copy of the Boston paper, the Boston Globe from last week. The headline on the local section said Ecstacy Additives Trouble Activists. It says, law enforcement authorities and antidrug activists are warning that new and dangerous additives are being mixed into one of the most popular drugs sold and used in the city's nightclubs. Law enforcement officials say many makers of ecstacy eager to cut costs and meet demand for the euphoria-inducing drug among high school and college students are lacing the pills with cheaper and more dangerous substances. Of particular concern, authorities said, is the use of PMA, a chemical recently blamed for the death of an 18-year-old woman in Illinois.

Our Subcommittee on Criminal Justice, Drug Policy and Human Resources is receiving more and more of these reports of bad drugs. They are bad in the first place but they have these deadly poison additives to them, and young people are dying from them.

We had testimony yesterday in Atlanta, in a field hearing, from the father of a young girl who had ingested one of the designer drugs, and she died a most horrible death. Some two years she was on a life support system, convulsing. Her body temperature reached 107. At several points her heart rate had fallen to 25 and up to 170, literally destroying her body until she finally died; two years of suffering through a drug that she had taken most innocently.

Today we held a hearing as we announced again the news that drug-induced deaths in 1998 exceeded homicides and murders in this country. We brought from Florida a couple whose 15-year-old son Michael had ingested designer drugs and died, one of the 16,926 who died in 1998. Unfortunately, this puts a very human face on a problem which we have outlined tonight, and which, again, only shows a part of the problem.

From time to time, I like to cite some of the happenings around the country. I just cited an article about what is happening with ecstacy in Boston and this article appeared recently on August 18 in the L.A. Times, and it says, Teen Executed Over Drugs. A 15-year-old boy allegedly kidnapped from his San Fernando Valley neighborhood was shot execution-style as he lay bound and gagged in a shallow grave because his older half brother had not paid a $36,000 marijuana debt to a drug dealer, authorities said.

Now, when we compile the year 2000 figures, this death will not appear there because it is not drug-induced and it does not meet the qualifications. It will be in the 50,000 drug-related deaths cited by our drug czar, unfortunately.

The area that I come from which is, again, a very peaceful, family-oriented part of our Nation, central Florida, continues to be racked by illegal narcotics. While I was home, I had this clipping that I saved dated, again, August 29, where a young life was lost; Drugs Take Life is the headline; friend charged. Sherry Rich, 19, died early Sunday morning of an apparent overdose of ecstacy laced with heroin in an apartment complex in my area.

This is one, September 2, a couple of days later, Apparent ODs At Club Kills Two. Two men died and another was hospitalized from apparent drug overdoses after they visited an Orange County bottle club. This report said they purchased marijuana and some sort of pills, according to the Orange County sheriff's deputy.

□ 2300

While we hear crack cocaine is now down, even my area continues to be inundated. A recent article says Central Florida's crack cocaine problem is no longer a front-burner issue; it has been replaced in importance by heroin's comeback and the surge of new designer drugs. However, this says that crack continues to be a problem along with these other drugs. That is referring to my area of representation, which is Central Florida, again plagued.

Mr. Speaker, I received a letter from Mel Martinez, the chairman of Orange County, our central legislative body in Orange County, Florida, and he writes to me just a few days ago, ''Congressman MICA: Eighty heroin overdose deaths have occurred in the 7-county Central Florida high-intensity drug traffic area in 1999 alone. The Florida Department of Law Enforcement recently released a report prepared by the Medical Examiner's Office indicating 48 heroin overdose deaths occurred in Miami last year, and 42 occurred in Orlando.''

Almost every State, every community, every locale, every region of this Nation is facing the same thing.

Tonight we released the statistics that again state that U.S. drug deaths from drug-induced deaths in 1998 exceeded murder for the first time. Again, if we use 1999 murder figures, we are down in the 15,000 range. These continue to drop, while drug deaths continue to rise.

The headlines spell out the story, the threat of Ecstacy reaching cocaine and heroin proportions, and tonight we have outlined some of what is going on with Ecstacy.

Mr. Speaker, I do want to take a moment for my colleagues and others who may be listening to show what Ecstacy does to the brain. Many young people think it is a harmless drug. Dr. Allen Leschner of the National Institute of Drug Abuse presented a different grasp, but this just shows what happens to the brain. This is the normal brain; this is a brain that has absorbed or been affected by the use of Ecstacy. Basically, it induces a Parkinson's-type affect on the brain, destroying the brain cells, not allowing regeneration of the brain cells.

Not only do we have that, but Ecstacy that is attractively packaged in with all kinds of designer labels, which the U.S. Customs Service provided us, even fancy symbols that are put on of various designer clothing and the cars and things to induce young people to try these drugs. But this is the fancy packaging. These are the results. If we do not think the results are bad enough, again, to destroy the brain, look at the deaths, and many of these, I just read one from my local community, they used Ecstacy and other drugs or alcohol with these drugs, and also, the drug dealers are now cutting Ecstacy across the land with all types of deadly chemicals.

So this is what we end up with, a horrible situation and the destruction of life and limb and also brain. Ecstacy again, reaching cocaine and heroin proportions, and high schoolers report more drug use from June 9, 2000.

Again, the administration would rather probably talk about prescription drugs, and I do not want to demean in any way the importance of that, particularly for our elderly or those who have problems paying for legal narcotics, and I am talking tonight about illegal narcotics. But, in fact, we have a situation that has basically spun out of control. In spite of our good efforts over the past 3 or 4 years by the new majority, we have somehow missed the mark with the administration of the resources that have been provided to this administration. It is sad, again tonight, as I conclude, to report that for the first time in the history of our country, we have deaths by drug-induced means, drug-related deaths exceeding murder across our land.

Mr. Speaker, I appreciate the patience of the staff who have remained tonight. This is an important topic and should be on the minds of Members of Congress, it should be on our agenda, and it should be important to every American that not another American is lost to illegal narcotics in this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

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. PASCRELL) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. CASTLE, for 5 minutes, September 20.

Mr. PITTS, for 5 minutes, September 20.

Mr. DUNCAN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, September 20.

Mr. SCHAFFER, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2247. An act to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 20, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10108. A letter from the Chief, Programs and Legislation Division Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Wright-Patterson Air Force Base (AFB) has conducted a cost comparison to reduce the cost of the Air Force Research Laboratory Support Service functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10109. A letter from the Secretary of Defense, transmitting the Secretary's certification that the system level Live Fire Test and Evaluation (LFT&E) of the UH–60 Modernization Program aircraft would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

10110. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressesd Natural Gas Fuel Containers [Docket No. NHTSA–98–4807] (RIN: 2127–AH72) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10111. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arcadia, Gibsland, and Hodge, Louisiana and Wake Village, Texas) [MM Docket No. 99–144; RM–9538; RM–9747; RM–9748] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10112. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau,

Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202.(b), Table of Allotments, FM Broadcast Stations. (Canton and Saranac Lake, New York) [MM Docket No. 99–293; RM–9720; RM–9721] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10113. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Kaycee and Basin, Wyoming) [MM Docket No. 98–87; RM–9278; RM–9608] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10114. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Morristown, New York) [MM Docket No. 99–362; RM–9730] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10115. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stamps and Fouke, Arkansas) [MM Docket No. 99–241; RM–9480] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10116. A letter from the Associate Bureau Chief, Wireless Telecommunications Commission, Federal Communications Commission, transmitting the Commission's final rule—Amendment to Parts 1, 2, 87 and 101 of the Commission's Rules To License Fixed Services at 24 GHz [WT Docket No. 99–327] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10117. A letter from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Crime Control Items: Revisions to the Commerce Control List [Docket No.000822242–0242–01] (RIN: 0694–AC31) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10118. A letter from the Executive Director, Committee For Purchase From People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10119. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Releasing Information; Electronic Freedom of Information Amendment (RIN: 2550–AA09) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Activities under the Freedom of Information Act Annual Report on Religious Freedom, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

10121. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 08300H] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10122. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 090100A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10123. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 082900D] received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10124. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure and Inseason Adjustments from Cape Falcon to Humbug Mountain, OR [Docket No. 000501119–01119–01; I.D. 080400C] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10125. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery, Implementation of Conditional Closures [Docket No. 000407096–0096–01; I.D. 082300A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10126. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fisheries; Closure of the Purse Seine Fishery for Bigeye Tuna [Docket No. 991207319–9319–01; I.D. 072700A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10127. A letter from the Program Analyst, FAA, Deaprtment of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, and -200C Series Airplanes [Docket No. 2000–NM–288–AD; Amendment 39–11878; AD 2000–17–04] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10128. A letter from the Program Analyst, FAA, Deaprtment of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–20 0 and -300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO [Docket No. 2000–NM–277–AD; Amendment 39–11877;AD 2000–17–51] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10129. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directivez; Rolls-Royce plc. RB211 Trent 768–60, Trent 772–60,and Trent 772B–60 Turbofan Engines; Correction [Docket No. 2000–NE–05–AD; Amendment 39–11804; AD 2000–13–05] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, -300, and -300F Series Airplanes [Docket No. 2000–NM–289–AD; Amendment 39–11879; AD 2000–17–05] (RIN 2120–AA64) received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10131. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance: Cerro Grande Fire Assistance (RIN: 3067–AD12) received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10132. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Cash Values for National Service Life Insurance (NSLI) and Veterans Special Life Insurance Term-Capped Policies (RIN: 2900–AJ35) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10133. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the FY 1999 operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 1998, through September 30, 1999, pursuant to 30 U.S.C. 936(b); jointly to the Committees on Education and the Workforce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3986. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; with an amendment (Rept. 106–864). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4441. A bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes; with an amendment (Rept. 106–865). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 581. Resolution providing for consideration of the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington

(Rept. 106–866). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 582. Resolution providing for consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes (Rept. 106–867). Referred to the House Calendar.

Mr. GOODLING: Committee of Conference. Conference report on H.R. 4919. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes (Rept. 106–868). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4519. A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration (Rept. 106–869 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 4519 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. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 25, 2000.

H.R. 4519. Referral to the Committee on Government Reform extended for a period ending not later than September 19, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHAW (for himself, Mr. PORTMAN, Mr. CARDIN, Mr. HERGER, Mr. NUSSLE, Mr. FLETCHER, and Mr. GALLEGLY):

H.R. 5203. A bill to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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 Ms. LEE (for herself, Mr. CAPUANO, and Mr. SANDERS):

H.R. 5204. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Commerce.

By Mr. BEREUTER (for himself and Mr. MINGE):

H.R. 5205. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture.

By Mrs. CAPPS (for herself, Mr. WAXMAN, and Ms. ESHOO):

H.R. 5206. A bill to provide funding for MTBE contamination; to the Committee on Commerce.

By Mr. COBURN:

H.R. 5207. 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 Resources.

By Ms. DEGETTE (for herself, Mrs. MORELLA, Mrs. TAUSCHER, Mr. MEEHAN, Mr. WAXMAN, Mr. WEYGAND, Mr. STARK, Mr. LAFALCE, Mr. SANDERS, Mr. DOGGETT, Mr. LEVIN, Mrs. LOWEY, and Mr. FILNER):

H.R. 5208. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the Medicare Program, the Medicaid Program, and the maternal and child health 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. FOLEY (for himself and Mr. TANNER):

H.R. 5209. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. GREENWOOD, Mr. MURTHA, Mr. BORSKI, Mr. WOLF, Mr. MARTINEZ, Mr. GEKAS, Mr. SHERWOOD, Mr. FRANK of Massachusetts, Mr. OXLEY, Mr. SHUSTER, Mr. BARRETT of Nebraska, Mr. BRADY of Pennsylvania, Mr. TOOMEY, Mr. MCNULTY, Mr. FATTAH, Mr. HOEFFEL, Mr. PETERSON of Pennsylvania, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. KANJORSKI, Mr. MASCARA, Mr. DOYLE, Mr. COYNE, Mr. PITTS, Mr. ENGLISH, and Mr. KLINK):

H.R. 5210. A bill to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building''; to the Committee on Government Reform.

By Mr. GOODLING:

H.R. 5211. A bill to allow taxpayers to include compensation payments received pursuant to the Declaration on Extraordinary Emergency Because of Plum Pox Virus by the Secretary of Agriculture as income or gain over a 10-year period; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. HOUGHTON, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. BARRETT of Nebraska, Mr. BASS, Mr. BECERRA, Mr. BENTSEN, Ms. BERKLEY, Mr. BERRY, Mrs. BIGGERT, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONIOR, Mrs. BONO, Mr. BORSKI, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CASTLE, Mr. CHAMBLISS, Mr. CLEMENT, Mr. CLYBURN, Mr. CONDIT, Mr. COOKSEY, Mr. COYNE, Mr. CRAMER, Mr. CROWLEY, Mrs. CUBIN, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAY, Mr. DEUTSCH, Mr. DICKEY, Mr. DICKS, Mr. DINGELL, Mr. DIXON, Mr. DOOLEY of California, Mr. DOYLE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mr. ENGLISH, Mr. ETHERIDGE, Mr. EVANS, Mr. EWING, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GILCHREST, Mr. GILMAN, Mr. GOODE, Mr. GORDON, Mr. GRAHAM, Mr. GREEN of Wisconsin, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILL of Indiana, Mr. HILL of Montana, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HOEFFEL, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INSLEE, Mr. ISAKSON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mrs. JONES of Ohio, Mr. KANJORSKI, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING, Mr. KINGSTON, Mr. KLECZKA, Mr. KUCINICH, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LARSON, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. LUTHER, Mr. MALONEY of Connecticut, Mr. MANZULLO, Mr. MARKEY, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCKEON, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. METCALF, Mr. GEORGE MILLER of California, Mr. GARY MILLER of California, Mrs. MINK of Hawaii, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NUSSLE, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PALLONE, Mr. PASCRELL, Mr. PEASE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. ROEMER, Mr. ROHRABACHER, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SABO, Mr. SALMON, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHOWS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. STENHOLM, Mr. STRICKLAND, Mr. STUMP, Mr. STUPAK, Mr.

SUNUNU, Mr. SWEENEY, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. UPTON, Mr. WALSH, Mr. WAMP, Ms. WATERS, Mr. WATKINS, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WICKER, Mrs. WILSON, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. WATT of North Carolina):

H.R. 5212. A bill to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes; to the Committee on House Administration.

By Mr. MATSUI:

H.R. 5213. A bill to amend the Internal Revenue Code of 1986 to repeal the extended recovery period applicable to the depreciation of tax-exempt use property leased to foreign persons or entities; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. MATSUI):

H.R. 5214. A bill to rename the National Museum of American Art; to the Committee on House Administration.

By Mr. SANDERS:

H.R. 5215. A bill to amend the Internal Revenue Code of 1986 to exclude national service educational awards from the recipient's gross income; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BILIRAKIS, Mr. BILBRAY, Mr. BLUMENAUER, Mr. CUNNINGHAM, Mr. DELAHUNT, Mr. DEMINT, Ms. DUNN, Mr. FORBES, Mr. GEKAS, Mr. GIBBONS, Mr. GREENWOOD, Mr. HERGER, Mr. HILLEARY, Mr. KLINK, Mr. MCKEON, Mr. MURTHA, Mr. SCHAFFER, Mr. SHADEGG, Mr. SHERWOOD, Mr. SIMPSON, Mr. SWEENEY, Mr. TERRY, Mr. WATKINS, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. ROHRABACHER, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ROGAN, Mr. FARR of California, Mr. SMITH of New Jersey, Mr. HOEKSTRA, Mr. DIAZ-BALART, Mr. BOEHLERT, Mr. THORNBERRY, Mrs. NORTHUP, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CAMP, Mr. CANNON, Mr. CHAMBLISS, Mr. COOK, Mr. COOKSEY, Mr. COX, Mrs. CUBIN, Mr. DAVIS of Virginia, Mr. DEFAZIO, Mr. DELAY, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH, Mr. EWING, Mr. FATTAH, Mr. FOSSELLA, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Mr. GRAHAM, Ms. GRANGER, Mr. GUTKNECHT, Mr. HANSEN, Mr. HAYWORTH, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KIND, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. MCINTOSH, Mr. MICA, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. NEY, Mr. NORWOOD, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. REYNOLDS, Mr. RILEY, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCOTT, Mr. SESSIONS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Michigan, Mr. STENHOLM, Mr. SUNUNU, Mr. TAUZIN, Mr. TIAHRT, Mr. TRAFICANT, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WELDON of Florida, Mr. WICKER, and Mrs. WILSON):

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for Humanitarian reasons, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WELLER introduced a bill (H.R. 5216) to direct the Secretary of the Army to convey easement over certain lands in La Salle County, Illinois, to the Young Men's Christian Association of Ottawa, Illinois; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mrs. BONO.
H.R. 207: Mr. KOLBE.
H.R. 218: Mr. VITTER.
H.R. 284: Mr. BALDACCI, Mr. MURTHA, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. NEAL of Massachusetts, Mr. FILNER, Mr. WYNN, and Mr. SESSIONS.
H.R. 303: Mr. BECERRA and Mr. PAUL.
H.R. 625: Mr. BALDACCI.
H.R. 783: Mr. SOUDER.
H.R. 842: Mr. PHELPS, Mr. KENNEDY of Rhode Island, and Mr. LEVIN.
H.R. 900: Mr. STARK.
H.R. 914: Mr. LEVIN.
H.R. 935: Mr. SCHAFFER.
H.R. 979: Mr. ROEMER.
H.R. 1178: Mr. GOODLATTE.
H.R. 1413: Mr. INSLEE.
H.R. 1505: Mr. HUNTER.
H.R. 1622: Mr. LEACH.
H.R. 1644: Ms. MCCARTHY of Missouri.
H.R. 1824: Mr. MEEKS of New York.
H.R. 1926: Ms. HOOLEY of Oregon.
H.R. 2000: Mr. DAVIS of Illinois and Mr. HILLEARY.
H.R. 2351: Mr. STARK.
H.R. 2413: Mr. KUYKENDALL.
H.R. 2620: Mr. RANGEL and Mr. BALDACCI.
H.R. 2710: Mr. MEEHAN, Mr. SMITH of Texas, Mr. BARRETT of Nebraska, Mr. GILLMOR, Mr. SHERMAN, Mr. KASICH, Mr. PASCRELL, and Mr. LAHOOD.
H.R. 2790: Mr. MORAN of Virginia.
H.R. 2870: Mr. DAVIS of Illinois and Mr. SMITH of New Jersey.
H.R. 3003: Mr. BARR of Georgia, Mr. EHRLICH, and Mr. WALSH.
H.R. 3249: Ms. BERKLEY and Mr. OLVER.
H.R. 3308: Mr. HEFLEY.
H.R. 3446: Mr. ANDREWS.
H.R. 3463: Ms. JACKSON-LEE of Texas and Mr. BOEHLERT.
H.R. 3500: Mr. GONZALEZ.
H.R. 3633: Mr. PASCRELL and Mr. DEUTSCH.
H.R. 3700: Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, and Mr. GOODLING.
H.R. 3809: Mr. BONIOR.
H.R. 3823: Mr. STARK.
H.R. 4025: Mr. WAMP, and Mr. SHIMKUS.
H.R. 4028: Mr. DAVIS of Illinois.
H.R. 4064: Mr. SANDLIN.
H.R. 4102: Mr. PAUL.
H.R. 4146: Mr. SANDERS.
H.R. 4206: Ms. MCCARTHY of Missouri.
H.R. 4213: Mr. BARR of Georgia.
H.R. 4215: Mrs. EMERSON and Mr. BURR of North Carolina.
H.R. 4250: Mr. STARK.
H.R. 4259: Mr. CUNNINGHAM, Mr. SUNUNU, Mr. PICKERING, Mr. MASCARA, Mrs. NORTHUP, Mr. CUMMINGS, Mr. CASTLE, Mr. CHABOT, Mr. ACKERMAN, Ms. WATERS, Mr. GILLMOR, Mr. GOODE, Ms. GRANGER, Mr. HANSEN, Mr. HEFLEY, Mr. HILL of Indiana, Mr. HOEFFEL, Mr. HINCHEY, Mr. HOLT, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. ISAKSON, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. HILLIARD.
H.R. 4274: Ms. BROWN of Florida.
H.R. 4289: Mr. BERMAN, Mr. REGULA, Mr. HOEFFEL, and Mr. MEEHAN.
H.R. 4330: Mr. BALDACCI.
H.R. 4356: Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mrs. THURMAN, Mr. BALDACCI, and Mr. KUCINICH.
H.R. 4357: Mr. BENTSEN.
H.R. 4431: Mr. STEARNS.
H.R. 4434: Mr. KING.
H.R. 4467: Mr. SHERWOOD and Mr. RILEY.
H.R. 4483: Mr. BENTSEN.
H.R. 4490: Mr. STARK.
H.R. 4503: Mr. CHAMBLISS, Mr. DEAL of Georgia, and Mr. THORNBERRY.
H.R. 4508: Ms. DANNER.
H.R. 4613: Mr. JONES of North Carolina.
H.R. 4645: Mr. MCDERMOTT, Mr. STUPAK, and Mr. BLUMENAUER.
H.R. 4649: Mr. DELAHUNT, Mr. FALEOMAVAEGA, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. BARR of Georgia, and Mr. MCDERMOTT.
H.R. 4653: Mr. GOODE.
H.R. 4664: Mrs. THURMAN and Mr. FATTAH.
H.R. 4677: Ms. BALDWIN.
H.R. 4728: Mrs. MEEK of Florida, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. KENNEDY of Rhode Island, Ms. BROWN of Florida, Mr. GIBBONS, and Mr. MORAN of Kansas.
H.R. 4745: Mr. BARTON of Texas and Mr. WEINER.
H.R. 4780: Mrs. THURMAN.
H.R. 4828: Ms. HOOLEY of Oregon.
H.R. 4894: Mr. FLETCHER, Mr. GILCHREST, Mr. KINGSTON, Mr. MCHUGH, Mr. LUCAS of Kentucky, and Mrs. NORTHUP.
H.R. 4895: Mr. FLETCHER, Mr. GILCHREST, Mr. KINGSTON, Mr. MCHUGH, and Mr. LUCAS of Kentucky.
H.R. 4902: Ms. DANNER.
H.R. 4904: Mr. KILDEE.
H.R. 4935: Mr. CAPUANO.
H.R. 4964: Mr. MCGOVERN and Mr. MCHUGH.
H.R. 5004: Mr. WOLF.
H.R. 5005: Mr. LEWIS of California and Mr. FRANKS of New Jersey.
H.R. 5026: Mr. ARMEY, Mr. HAYWORTH, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. COBURN, Mr. COMBEST, Mr. DOOLITTLE, Mr. GRAHAM, Mr. ISTOOK, Mr. KINGSTON, Mr. LARGENT, Mrs. MYRICK, Mr. OSE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. POMBO, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SPENCE, Mr. SWEENEY, Mr. TANCREDO, and Mr. TOOMEY.
H.R. 5028: Mr. ARMEY, Mr. CAMPBELL, Mr. COBURN, Mr. KOLBE, Mr. DOOLITTLE, Mr. ROGAN, Mr. CHAMBLISS, Mr. CANNON, Mr. BARTLETT of Maryland, Mr. SCHAFFER, Mr. HERGER, Mr. FOLEY, and Mr. SHADEGG.
H.R. 5052: Mr. MASCARA and Mr. MCHUGH.

H.R. 5054: Mr. PALLONE.

H.R. 5055: Mr. BARTON of Texas and Mr. GORDON.

H.R. 5091: Mr. FRANK of Massachusetts.

H.R. 5128: Mrs. JOHNSON of Connecticut.

H.R. 5151: Mr. KOLBE and Mr. MCCOLLUM.

H.R. 5161: Mr. BAKER, Mr. SMITH of Texas, Mr. BURTON of Indiana, Mr. LATOURETTE, Mr. NEY, Mr. MARTINEZ, Mr. SKEEN, and Mr. BARR of Georgia.

H.R. 5164: Mrs. CUBIN, Mr. GREENWOOD, Mr. EHRLICH, Ms. SLAUGHTER, Mr. CAMP, Mr. PHELPS, and Mr. REYNOLDS.

H.R. 5178: Mr. HOEKSTRA, Mr. CLAY, Mr. LEACH, Mr. CASTLE, Mr. BILBRAY, and Mr. HILLEARY.

H.R. 5180: Ms. DANNER, Mr. BARCIA, and Mr. GEJDENSON.

H.R. 5200: Mr. STEARNS.

H.J. Res. 7: Mr. SOUDER.

H.J. Res. 48: Mr. FRANK of Massachusetts.

H. Con. Res. 58: Mr. KLECZKA, Mr. CAPUANO, and Mr. BOEHLERT.

H. Con. Res. 390: Mr. MICA, Mrs. MYRICK, Mr. RAMSTAD, and Mr. CALLAHAN.

H. Res. 163: Mr. OLVER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4213: Mr. DAVIS of Illinois.

PETITIONS, ETC.

Under clause 3 of rule XII,

113. The SPEAKER presented a petition of American Bar Association, relative to a Resolution petitioning federal, state, and territorial governments to construe and if necessary amend laws regulating the health professions, controlled substances, insurance, and both public and private health benefit programs so that these laws do not impose barriers to quality pain and symptom management; which was referred to the Committee on Appropriations.

EXTENSIONS OF REMARKS

POCKET-VETO POWER

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. HASTERT. Mr. Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Democratic Leader, Mr. Gephardt. It is addressed to President Clinton. In it, we express our views on the limits of the "pocket-veto" power. I also submit a copy of the letter referenced therein, which was sent to President Bush on November 21, 1989, by Speaker Foley and Republican Leader Michel.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.

RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.

ROBERT H. MICHEL,
Republican Leader.

BLUE RIBBON SCHOOL WINNER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Bernardo Heights Middle School in Rancho Bernardo and its leaders, Principal, Maureen Newell and Superintendent, Dr. Bob Reeves. Bernardo Heights has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing

record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous overview of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Bernardo Heights Middle Schools' superior work be included in the record:

Located in northern San Diego County, Bernardo Heights Middle School (BHMS) is one of five middle schools in the award-winning Poway Unified School District. The school has a sprawling suburban campus where students are active participants in the learning process. The dynamic teachers are committed to developing a love of learning that will last a lifetime. Bernardo Heights has set expectations and academic standards that foster well being, encourage appreciation of the arts, and at the same time embrace diversity. BHMS is continuously re-evaluating their curriculum and the needs of its students. Using parent input, needs assessments, and up-to-date teaching practices and methods, their curriculum provides a solid scope and sequence that assures students will be ready for the 21st Century.

Knowing the pressures and variables of modern society, Bernardo Heights has developed an array of assistance programs to form a safety net for students who are at-risk. From parent-teacher-student conferences to support groups, tutorials to mentoring programs, they do "whatever it takes" to provide all students every opportunity to succeed. Almost 80% of all students scored above the 50th percentile on the SAT 9 reading, writing and math tests and Average Daily Attendance (ADA) is at 96.5%. From its unique architecture to the exciting learning environment within its classrooms, Bernardo Heights Middle School is a dynamic, active educational center, filled with the promise of tomorrow.

TRIBUTE TO SERGEANT WILLIAM F. SNELL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to Sergeant William F. Snell, an officer with the California Highway Patrol. Sergeant Snell is retiring from the California Highway Patrol after 32 years of service to the State of California.

Sergeant Snell began his career as an officer with the California Highway Patrol in 1968. Upon his graduation from the academy, Sergeant Snell was assigned to several offices in California, including Baldwin Park, Riverside, San Bernardino, Central Los Angeles and Santa Ana in July 1986.

In Santa Ana, Sergeant Snell held several administrative positions. He was the sergeant in charge of commercial enforcement within the Santa Ana Area. As sergeant in charge, he directed the commercial officers within the Border Division area, including San Diego and Orange County offices.

Sergeant Snell is a dedicated officer who has served the people and the State of California with highest degree of professionalism. During his career with the Highway Patrol, Sergeant Snell demonstrated his outstanding qualities of management and leadership. Sergeant Snell upheld the mission of the California Highway Patrol to manage and regulate traffic and to achieve "safe, lawful and efficient use of the highway transportation system." An officer in the California Highway Patrol must possess courage, strength, and heroism in the face of the unknown.

I commend Sergeant Snell for his dedication to the safety of California's citizens and to the high caliber of service that he gave to his profession. Colleagues, please join with me in recognizing Sergeant William F. Snell as a man of dignity, honor and purpose and in wishing him many happy years of retirement.

HOW DRUG PROFITS DRIVE DOCTORS TO INCREASE DRUG UTILIZATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. STARK. Mr. Speaker, at the Department of Justice's prodding, Medicare and Medicaid are finally going to reimburse drugs at a more accurate rate. In the past, we have paid for drugs at 95% of the Average Wholesale Price (AWP)—a wholly artificial and often grossly inflated price.

The action by HCFA should be welcome by taxpayers. But it should also be welcome by patients—and not just because patients will now face lower co-payment amounts. The worst aspect of the AWP pricing abuse has been that it distorts medical judgment, causing many—not all, but many—doctors to increase their utilization of drugs on which the doctors can make the most money on the "spread" between the listed AWP price, and what the actual cost to the provider is.

The following data shows the phenomenon: there is absolutely no reason that the nation's utilization of ipratropium bromide has soared—other than doctors can now make over a 100% profit on the product. If you need ipratropium bromide, you should get it. You should not be getting it because your doctor makes a bigger and bigger profit on it.

I think the evidence will show that there are better cancer drug fighting products available to people, which are not being used because the doctors make more profit on the poorer quality product.

Reform of the AWP will not only save dollars—it will stop an insidious form of medical malpractice.

How has Medicare Utilization for the Inhalation Drug Ipratropium Bromide (HCPCS codes K0518 and J7645) changed as the "spread" or profit that doctors can make on the use of the product has increased?

In 1995, Medicare paid $3.11 for a unit, and that's what it cost the provider. There was no spread, and Medicare spent $14,426,108 on the product.

In 1996, Medicare reimbursed $3.75 a unit, but the cost to doctors was only $3.26, giving a 49 cent profit or a 15% spread. Interest in the product picked up, with Medicare spending $47,388.622.

In 1997, Medicare's reimbursement was $3.50 a unit, but the providers's true cost was only $2.15, giving a profit spread of $1.35 or 63%. Sales of the product really starting taking off, and Medicare spent $96,204,639 on the product.

In 1998 and 1999, Medicare reimbursed $3.34 for a unit. In 1998, doctors could get it for about $1.70, giving them a profit of 96% or $1.64 per unit. Sales totaled $176,887,868! In 1999, the drug was available for $1.60, giving users a 108% profit. We don't have the data on total 1999 Medicare expenditures on this product yet, but I bet, Mr. Speaker, that it is higher than ever.

This example is exhibit #1 why we need AWP reform.

HONORING THE AMERICAN BUSINESS WOMEN'S ASSOCIATION FOR ITS EFFORT TO ADVANCE WOMEN IN BUSINESS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor the American Business Women's Association for its dedication to promote the professional, educational, cultural, and social advancement of business women.

September 22, 2000 will mark the 51st anniversary of the founding of the American Business Women's Association. For over 50 years the members of this association have recognized that education and skilled training are crucial in today's technological society. These enterprising women hold active, responsible positions on all levels of business and will play an increasingly powerful role in the American workforce.

The local chapters of the A.B.W.A. have made scholarships available to students to further their education and have provided financial assistance to students returning to the workforce by enabling them to attend college. Through the improvement of individual skills, leadership abilities, knowledge of diversified business techniques and business relations, these diverse women continue to ensure the future advancement of the chapters of the American Business Women's Association.

I ask my colleagues to join me in recognizing the women of the American Business Women's Association for their support and contributions to the public and private sectors of our country by helping women advance through education.

SCOUTING FOR ALL ACT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I rise to express my most profound opposition to H.R. 4892, the so-called Scouting for All Act, which would repeal the federal charter of the Boy Scouts of America. As an Eagle Scout, a member of the Scout Council, and a lifelong advocate of Scouting, I am both saddened and dismayed by this misguided attempt to bully one of the finest youth organizations in America. Since its inception in 1910, the Boy Scouts have instilled in tens of millions of young men the ideals of good citizenship, patriotism, and service to others. Perhaps no organization in our nation's history has done more to prepare America's youth for the challenges and responsibilities they will face as adults.

I hope the irony of this legislation is not lost on my colleagues. In the name of tolerance, the author of this bill is attempting to harness the power of the federal government to change an organization simply because it does not share her views. This bill represents an incredibly arrogant attempt to impose the beliefs of a small minority on a private institution. And it seeks to demonize one of the most fundamentally decent groups in America.

Mr. Speaker, the Scout Oath includes the pledge that a Scout will keep himself ''morally straight.'' Whether one believes homosexuality is inconsistent with that oath or not, the Boy Scouts of America are entitled to interpret their oath, as well as set their own criteria for membership, as they see fit. I would submit to my colleagues that denying them that right would demonstrate a supreme disrespect for the right of people to associate freely, which the Constitution guarantees.

The problem with this legislation should be obvious to anyone who respects the right of Americans to organize themselves as they choose. The legislative power of this Congress should not be used as a tool to shape the policies of private organizations in ways that are pleasing to the political class.

In an age when America's young people are fed a steady diet of violence and obscenity, it is absurd that Congress is targeting an institution as wholesome as the Boy Scouts. In an age when school shootings capture headlines and we busy ourselves combating teen drug use, it is shameful that some of my colleagues would assail an organization dedicated to such principled goals as the Boy Scouts. I urge my colleagues to reject this offensive legislation and send a clear message to the nation's Scouts that they have both the support and admiration of the United States Congress.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, due to flight delays, I was unavoidably detained in North Carolina yesterday and unable to cast a vote on Roll Call Votes 477 and 478. Had I been present, I would have voted YEA on Roll Call Vote 477 and YEA on Roll Call Vote 478. I ask unanimous consent that the permanent record reflect these intended votes.

TRIBUTE TO PERRY HALL ON ITS 225TH ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. CARDIN. Mr. Speaker, today I pay tribute to a very special community located in Maryland's 3rd Congressional District. The Perry Hall community is celebrating its 225th anniversary this year.

Perry Hall is a thriving, suburban community of 40,000 residents located 10 miles northeast of Baltimore City. It was founded in 1775 by Harry Dorsey Gough, who purchased a 1,000-acre estate called The Adventure. He renamed it Perry Hall after his family's home near Birmingham, England. On that site he built a mansion that became known for magnificent gardens and distinctive architecture.

In the years during and after the Civil War, German and Irish families began to settle in the community surrounding the mansion. These families worked hard and developed a thriving dairy and nursery industry. In 1875, Eli Slifer and William Meredith bought the ''Perry Hall'' property, divided it and sold lots to immigrant families, who then began raising ''stoop crops'' such as celery and carrots.

Perry Hall began its transformation from rural hamlet to suburban community in the years following World War II. Brick bungalows were built for returning GI's and their brides. New schools were built to serve their growing families and the first shopping center arrived in 1961.

In 1981, the transformation was completed with construction of White Marsh Mall. While the farms and forests of Perry Hall have been replaced by housing developments, shopping centers and new businesses, the most important part of Perry Hall still remains: its friendliness and warmth.

This year, Perry Hall has celebrated it's 225th year with a series of events, picnics and concerts. The Perry Hall Improvement Association will cap off this anniversary year with the Millennium Ball on Nov. 3, 2000.

I ask my colleagues to join me in expressing congratulations to all who live in Perry Hall, Maryland, and in wishing them the best on this historic anniversary.

IN RECOGNITION OF THE CONTRIBUTIONS OF PROFESSOR CARL SWARTZ

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. GEJDENSON. Mr. Speaker, today I congratulate Professor Carl Swartz upon receiving the Educational Excellence and Distinguished Service Award for 2000. Professor Swartz is a deserving recipient and a tremendous asset for Three Rivers Community College.

Professor Swartz is a well-respected professor of business at Three Rivers Community College in Norwich, Connecticut. He has been teaching courses at Three Rivers since 1971 and has had the distinct honor to serve as chairman for the business administration and marketing programs for 14 years. While at Three Rivers, Carl has been an advisor to the business club and developed new courses in industrial supervision, salesmanship, labor relations, human resource management and advertising. Carl has also served on many committees and was a member of the White House Small Business Advisory Committee during the Carter administration. In addition, in 1999, Carl received the Congress of Connecticut Community Colleges Recognition award for his invaluable work at Three Rivers.

Professor Swartz has gone beyond the role of professor and has been active in the community as well. He has represented Three Rivers on the TVCCA Board of Directors, served as a member of the state council on Vocational Education and written a weekly column for the Norwich Bulletin. By involving himself in the educational and social aspects of his students, he has created a solid foundation for the future of our community.

Mr. Speaker, I Join residents from Norwich in congratulating Professor Carl Swartz on receiving this prestigious award. He is a scholar, a teacher and an example for all.

RECOGNIZING THE CITY OF SANTA CLARITA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. McKEON. Mr. Speaker, I rise today to recognize the city of Santa Clarita, California, for its activities on behalf of preserving the Santa Clara River, located in my district, and for its activities recognizing National Pollution Prevention Week.

The City of Santa Clarita will hold its annual "River Rally" at the Santa Clara River on September 23, 2000. This event will highlight the importance of the Santa Clara River. During this annual event, citizens from throughout the city and the greater Santa Clarita Valley gather and pick up trash from the banks of the river. The River Rally raises awareness of the river and pollution prevention measures. The city and the many business and individuals who participate in the River Rally deserve our thanks.

The City is holding the River Rally during National Pollution Prevention Week, which is September 18–24. We all value a clean environment. In order to achieve that goal, the city of Santa Clarita has developed a pollution prevention program that is aimed at protecting the environment and encouraging economic competitiveness.

Santa Clarita is to be commended for taking these steps to safeguard our environment and raise awareness of the importance of pollution prevention.

HONORING RENEE ROSE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a very special person, Renee Rose of San Francisco, California, who is a dedicated wife, daughter, mother, grandmother, colleague and friend.

Renee Rose is one of those rare individuals who takes care of everyone she knows. Whether you are simply stopping by her office to drop something off, or you are a second cousin of a second cousin looking for a place to stay—Renee will take care of you. She takes care of everyone, and she is wonderful at it. In a day and age when people do not even exchange eye contact, Renee is a beautiful reminder about what people should be all about. And everyone lucky enough to fall into her care is truly blessed. If only we had more Renee's.

On behalf of the many that have benefited from your numerous kindnesses, Renee Rose, we rise to celebrate you and your 60th birthday. We wish you 60 more!

INTRODUCTION OF THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Ms. LEE. Mr. Speaker, since 1973, there has been a federal cancer data collection process in existence. Unfortunately this process failed to include "benign" brain tumors. I have introduced legislation to include benign brain tumors in the data collection of cancer registries.

This data will directly help the entire medical system including public health agencies, scientific research labs, health system public policy groups and of course the brain tumor groups. The medical system organizations use cancer data in funding decisions, investigations, research, and care facilities.

I am pleased to announce the introduction of the Benign Brain Tumor Cancer Registries Amendment Act.

Brain tumors are the second leading cause of cancer death for children and the third leading cause of cancer death in young adults ages 15–34.

The greatest increase in brain tumors has been among people 75 years of age or older.

Only 37 percent of males and 52 percent of females survive five years following the diagnosis of a primary benign or malignant brain tumor.

Each year, approximately 100,000 people in the United States are diagnosed with a primary or metastatic brain tumor. Nationwide, the incidence of brain tumors has increased by 25 percent since 1975 and the reasons for this increase are unknown.

For many types of tumors, the distinction between benign and malignant is significant. For tumors of the brain, this distinction is not as clear.

A tumor, whether malignant or benign, is a collection of cells that grow as rapidly as malignant tumors, however based on location and size, even benign brain tumors can be life threatening.

Benign brain tumors account for almost 40 percent of all brain tumors. Not including these tumors in the cancer registry, underestimates the incidence of brain tumors in the general population.

Roughly half of all brain tumors are benign. All brain tumors, both cancerous and benign, are potentially life-threatening.

I urge my colleagues to cosponsor this bill and support the thousands of Americans plagued with this disease.

TRIBUTE TO DR. GEORGE W. TEUSCHER

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. GREENWOOD. Mr. Speaker, in its annual meeting in San Antonio, on October 28, 2000, the American Society of Dentistry for Children will honor the life's work of George W. Teuscher. Born in 1908, Dr. Teuscher received his dental degree from Northwestern University in 1929. Subsequently, he received an MSD degree in pediatric dentistry, an MA in educational psychology and a PhD in education, with major areas of study in administration, and English and American Literature. Since the 1930s, Dr. Teuscher has been a dental clinician, researcher, educator, dental school dean, writer, editor, and lecturer to dentists all over the world. In 1968 he became Editor-in-Chief of the Journal of Dentistry for Children. In the thirty two years since, Dr. Teuscher's editorials regarding child advocacy have expounded on preventive dentistry and medicine, child behavior, parental concerns, the importance of education, special needs patients, ethics, social responsibility, and other topics—all relating to children and their well being. His writings in the Journal have served as a veritable archival conscience for the dentist: a thought provoking stream of awareness regarding children in modern societies. Dr. Teuscher's writings, along with articles he has selected for publication, have made the Journal of Dentistry for Children the most widely read and important international publication in the field. Likewise, his leadership in the American Society of Dentistry for Children has made it a renowned and respected child advocacy health organization. To this day, with undiminished vigor and enthusiasm, 92-year-old Dr. Teuscher reviews and edits scholarly submissions to the Journal, from dozens of countries. His skills and talent for this endeavor seem to increase with each published issue of the Journal, as the years have gone by. As one of dentistry's great leaders of the 20th century contemplates retiring from his work with the American Society of Dentistry for Children, it is with great respect, gratitude, admiration and affection that the people of the United States and members of the United States Congress pay tribute to Dr. George W. Teuscher.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mrs. EMERSON. Mr. Speaker, on Monday September 18, 2000 1 was unavoidably detained in Southeast Missouri. I was reviewing a critical flood control project with the Assistant Secretary of the Army for Civil Works, Dr. Joe Westphall. Had I been present I would have voted aye on roll call votes 477 and 478.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, on September 18, 2000, 1 missed two roll call votes because of unavoidable obligations in Idaho. Had I been present, I would have voted

''yea'' on roll call vote 477 (Motion to Suspend the Rules and Pass, as Amended, H.R. 5173) and ''yea'' on roll call vote 478 (Motion to Suspend the Rules and Pass, as Amended, H.R. 5010).

TRIBUTE TO CHAPLIAN (COLONEL) WILLIAM C. MORRISON, JR.

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. WISE. Mr. Speaker, I rise today to Honor Chaplain (Colonel) William C. Morrison, Jr., who is retiring from the United States Army after 24 years of active duty and to congratulate him on being selected as the new Regional Minister of the Christian Church (Disciples of Christ) in Florida.

William C. Morrison, Jr., has served this great country with dignity, integrity and honor He is a native of Charleston, West Virginia, and an ordained minister of the Christian Church (Disciples of Christ).

He graduated from West Virginia State College with a Bachelor of Science Degree in Business Administration. He completed his theological studies at Howard University School of Divinity in Washington, D.C. where he earned the Master of Divinity Degree. He also graduated from Golden Gate University in San Francisco, California, with a Master of Business Administration Degree in Management.

Chaplain Morrison received a direct commission into the United States Army Chaplain Corps on June 15, 1976. He is a graduate of the Chaplain Officer Basic and Advanced Courses, Division Chaplain Course, Installation Chaplain Course, U.S. Army Drug and Alcohol Abuse Team Training, U.S. Army Command and General Staff College, and the U.S. Army War College. He has served as an Army Chaplain in assignments at Fort McClellan, Alabama, Republic of South Korea; Fort Knox, Kentucky; Washington, DC.; Frankfurt West Germany; and Fort Bliss, Texas. He also served as the Staff Chaplain of the Armed Forces Inaugural Committee for the 1984 Presidential Inauguration of Ronald Reagan and George Bush. During Operations Desert Shield and Desert Storm, he served as the Brigade Chaplain for the 11th Air Defense Artillery Brigade.

Before attending the U.S. Army War College, he was the Division Chaplain for the 101st Airborne Division (Air Assault), Fort Campbell, Kentucky. Upon graduation from the Army War College, he served as the Mobilization, Training, and Military operations Chaplain, U.S. Army Forces Command, Fort McPherson, Georgia. He also served as the Deputy Command Chaplain, U.S. Army Forces Command. Prior to his current assignment as Command Chaplain, U. S. Army Materiel Command, he was the Installation Staff Chaplain, Fort Stewart, Georgia, he is currently serving as Command Chaplain, U.S. Army Materiel Command. His awards and decorations include the Legion of Merit Medal, Bronze Star Medal, seven awards of the Meritorious Service Medal, the Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal. Southwest Asia Service Medal (with three stars) , Liberation of Kuwait Medal, and the Air Assault Badge.

I am especially proud of his accomplishments as a distinguished Army Officer and Chaplain from my district in Charleston, West Virginia. His accomplishments speak to his courage, compassion, integrity, and loyalty to his country.

Mr. Speaker, I ask that this house please join me in recognizing, honoring, and congratulating this outstanding army officer, soldier and clergyman.

CALIFORNIA'S SESQUICENTENNIAL

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Ms. SANCHEZ. Mr. Speaker, today, I join my colleagues in celebrating California's 150 year anniversary of statehood. This is a monumental time in our history not only as a people from a state but as a constantly growing and ever changing nation. I am proud and honored to be a part of such a special event.

Throughout my life, I have been lucky enough to call the 46th Congressional District in Southern California home. It's experience has been an honor to not only serve my constituents, but enjoy the many opportunities that our state has to offer.

Orange County, California is known the world over for it's performing arts, education and the Anaheim Angels major league base ball team. Anaheim, California is home to Disney Land, the ''Happiest Place on Earth'' which has entertained families for over fifty years.

For over a century, my state has been a leader and the very backbone for economic opportunity in almost every major field. It is this nations leader in trade and shipping as well as a model for education, environmental initiatives, and the world's largest entertainment industry.

The 46th District in California is culturally diverse and represents the best of what California has to offer. I am deeply honored to represent those from the 46th Congressional District in California, and I will continue my responsibility to all who call Orange County, California home.

HONORING THE HEROES OF THE 44TH INFANTRY DIVISION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the brave Americans of the 44th Infantry Division. From September 21 to September 24, 2000, the 44th Infantry Division Association will be celebrating the 55th anniversary of the end of World War II at the Midway Hotel near Chicago, Illinois. This venue is very appropriate, as the State of Illinois contributed over eleven hundred soldiers to the 44th Division. Today, it certainly gives me great honor to remind my colleagues and the American public of the sacrifice these great men gave for the freedom and prosperity that is enjoyed by so many.

Maj. General William F. Dean commanded the 44th Infantry Division of roughly fifteen thousand men, comprising about one-fifth of the 7th Army. On September 15, 1944, the 44th Infantry landed at Cherbourg, France, to relieve the 79th Division that invaded Normandy on D-Day.

Forty days later, the 44th received their first attack from axis forces east of Luneville, France. In midwinter 1944, the 44th Division fought through the Maginot line, as well as the Vosges Mountains in northern France. In fact, the first United States soldiers to reach the Rhine River between France and Germany were members of the 44th Infantry Division. Along the way, the 44th held off several savage assaults from German Panzer divisions. In addition, the 44th was called to relieve two divisions of allied forces that were to be employed in the Ardennes Forest counteroffensive.

In the beginning of 1945, the 44th Infantry Division was forced into a defensive posture, as three German divisions, including the elite 17 SS Panzer Grenadier Division, conducted an all-out attack on United States forces. Amazingly, the brave Americans held off the brutal attack that would have cut off the allied forces in Alsace, as well as the Vosges and Hardt Mountains. In mid-March 1945, the division earned a well-deserved 2-day rest after other allied divisions passed through their fortification for the final assault on Germany. I should note that the 44th had undergone 144 days of continuous commitment.

On March 27, 1945, the 44th finally crossed the Rhine and provided for the capture of Mannheim and Heidelberg. Soon later, the 44th reached the Danube River and joined with the 10th Armored Division. On April 25, 1945, these joint forces captured the ancient German city of Ulm. Finally, the 44th swept into the Austrian Alps, after which Victory in Europe was gratefully won.

Mr. Speaker, the 44th Infantry Division fought for 203 incredible days. They captured over 44,000 enemy prisoners, and destroyed thousands more. During the European campaign, the 44th lost roughly 2,000 men in combat. Since the end of World War II, another 6,000 have passed on. Today, our country is graced with over 5,000 survivors of the 44th Infantry Division. With roughly 1,000 World War II veterans leaving us each day, I am very pleased to see these veterans enjoying the years that they earned so courageously. Mr. Speaker, I hope these brave Americans will continue to relate their incredible experiences gained during the greatest, most noble war ever fought by man.

TRIBUTE TO TROOPER ROBERT PEREZ, JR.

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. BROWN of Ohio. Mr. Speaker, I rise today to pay tribute to Ohio State Highway Patrol Trooper Robert Perez, who dedicated his life to law enforcement and assisting people in need. At the age of 24, Trooper Perez died in the line of duty as a result of a roadside fatality.

Known and respected for his integrity, dedication and ability, Trooper Perez distinguished himself as a community leader and devoted family man. Trooper Perez began his law enforcement career as a Vermilion Ohio Police Explorer, where he had the opportunity to accompany police officers and gain first hand experience. After graduating in the 132nd Ohio State Highway Patrol Academy Class in 1999, he served at the Highway Patrol Post at Freemont and then Milan, Ohio. He was also involved in the Ohio's Trooper Coalition, the Ohio State Trooper's Association for Safer Ohio and Ohio Trooper's Caring. Trooper Perez also served as a Member of the Army National Guard and was a Lorain (Ohio) Corrections Officer.

Trooper Perez took great pride in helping his family. From an early age, he took care of his brother, sister and mother by mentoring his siblings and giving his earnings to his mother. Trooper Perez's willing and giving heart made him a son and brother his family will always be proud of.

GENERIC DRUGS SAVE CONSUMERS BILLIONS WHILE INCREASING CHOICE AND COMPETITION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. BERRY. Mr. Speaker, since the Drug Price Competition and Patent Restoration Act, better known as the Waxman-Hatch Act, was signed into law in 1984, generic drugs have been a major source of relief for many Americans who face extraordinarily high prescription drug prices.

The law struck a balance between the generic pharmaceutical industry and brand-name companies. It did this by speeding up the approval process for generic drugs, and also by guaranteeing brand-name companies a minimum amount of market exclusivity before generics are allowed to compete.

After the passage of Waxman-Hatch, the generic pharmaceutical industry grew from a $2 billion industry in 1984 to $8 billion in 1997. Over the same period, brand-name companies' sales grew from $17 billion to $77 billion.

According to the Congressional Budget Office, generic pharmaceuticals saved consumers $8 to $10 billion dollars in 1994 alone. As fast as drug prices have been rising in recent years, they would have increased much faster if consumers had not had access to generic alternatives.

Despite the great benefit generic alternatives have provided to many patients, I am concerned about the activities some brand-name manufacturers have engaged in to obstruct generic competition. These efforts by brand-name companies include using payments to generic competitors, which are legally entitled to a period of being the exclusive competitor for 180 days, not to bring their product to market—in effect, this is buying a perpetual monopoly. Attempts to spread false information, lobby state legislators to restrict generic competition, and circumvent the ordinary process by having Congress pass special legislation granting patent extensions are other examples of anti-competitive behavior.

I have a great appreciation for what the generic pharmaceutical industry has done to benefit American consumers, and I am hopeful that in the not-too-distant future Congress will consider additional pro-consumer legislation to ensure consumers have increased access to more affordable generic prescription drugs.

GENERIC DRUGS AND BRAND NAME DRUGS MEET THE SAME FDA STANDARDS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. ENGLISH. Mr. Speaker, expanding government prescription drug programs is one way to ensure Americans have access to the medicine they need. Another way is to educate them to make better choices among health care options so that they are able to get the best health care at a fair price. Part of the education process must include a primer on generic drugs.

Most Americans do not take advantage of generic drugs and the substantial cost savings they represent because they do not really know the truth about them. The truth is, the U.S. Food & Drug Administration holds generic drugs and brand drugs to the exact same standards. The FDA requires that generics and brands contain the same active ingredients and deliver the same health benefits. The FDA also monitors generic manufacturing facilities to ensure that their drug products maintain high quality and effectiveness.

Generics are safe, effective, and more affordable than brand name drugs. Let's do our part to make sure more Americans are aware of the tremendous health care value they can get from generic pharmaceuticals.

IMPROVE ACCESS TO GENERIC PHARMACEUTICALS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. DEUTSCH. Mr. Speaker, I'm here today to deliver good news for American consumers, seniors and taxpayers, all of whom are seeking more affordable medicine. That's right, good news!

Over the next decade, patents on nearly $50 billion worth of brand name drugs are scheduled to expire. If you assume that generic versions of those drugs will be introduced at a price 50 percent lower than the brand price—and that's conservative—Americans will enjoy $25 billion in savings. That figure is in addition to an estimated $10 billion Americans are already saving each year through the use of generic drugs.

With so much profit at stake, we can expect brand drug companies to do everything in their power to delay the expiration of those patents. But as representatives of the people, we must put patient health ahead of profits and vote no on these unfair and unwarranted patent extension requests.

DELAY OF CONSIDERATION OF THE FINANCIAL CONTRACT NETTING ACT OF 2000, H.R. 1161

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. LAFALCE. Mr. Speaker, last Friday, notice of expedited floor action on H.R. 1161, legislation to insure against potentially destabilizing legal uncertainties in the financial markets, was circulated in the House. The Committee on Banking and Financial Services has reported favorably. In fact, all committees of jurisdiction on the Financial Contract Netting Act of 2000 have acted. Controversy on this bill is virtually non-existent. Broad bipartisan support for the measure is assured. Signature by the President has long been assumed should Congress complete action of the bill. Moreover, the bill, as a separate non-controversial part of the more general and contentious Bankruptcy Reform Act, has passed both the House and the Senate. The bankruptcy legislation itself has not, of course, been finally adopted due to its long-pending conference and highly contentious provisions.

Yesterday, the netting bill was pulled from consideration on the suspension calendar. The precipitous action of the Republican leadership calls into very serious question the ability of Congress, given the short time until adjournment, to enact this vital legislation under the most favorable of circumstances.

H.R. 1161, while highly technical and complex legislation, has broad support because of the critical need it fills. The legislation is a top priority of the Federal Reserve and the Treasury Department. It is essential to provide an orderly structure through which financial corporations can work out their debts in bankruptcy without destabilizing financial markets. It is consensus, must-pass legislation.

In contrast, the successful conclusion of the longstanding conference on the Bankruptcy Reform Act is increasingly in doubt, because of fundamental problems and substantial controversy surrounding that underlying legislation. Apparently, companies supporting passage of that controversial legislation have now mustered the political clout to block the non-controversial H.R. 1161. I deplore what I view

as a cynical effort by some industry lobbyists to hold the vital netting legislation hostage. Doing so will not save the otherwise controversial bankruptcy bill, and such tactics are irresponsible in the extreme. Not only are they contrary to good and necessary public policy, they are also very risky for many of the affiliated banks and brokerage firms of the obstructing companies involved. These firms are also active in the very sophisticated financial markets which risk being thrown into disarray in the event of failure of a major domestic or, indeed, foreign financial institution, absent the netting legislation.

The Financial Contract Netting Act is essential to ensure that financial markets function smoothly, especially in the event of the failure of a large institution. Monetary experts have been strongly urging the approach of H.R. 1161 since the Promisel Report in 1991. From then to the present, the need for this legislation has become more acute each year, because of the increasingly outdated nature of statutes which are supposed to set the bankruptcy and receivership rules for financial firms. The rise of the $40–50 trillion swaps market is the main force which has rendered these statutes increasingly irrelevant and effectively inoperable.

Under H.R. 1161, a bankrupt financial firm's debts, that are related to financial instruments in the exposed process of transfer, can be quickly reduced to clear, single amounts owed to other healthy financial companies, according to their respective claims. Under present law, such simplification might well not be able to occur due to inconsistencies among governing statutes. Needless litigation and disavowal of debt could therefore occur. Such disruption is highly risky in an environment where clarity regarding debt obligations and payment is a must if our value and claims transfer system is to work with the flawlessness demanded by this increasingly sophisticated economy.

The public dangers here are quite real. I deplore the fact that companies pressing for bankruptcy legislation seem focused only on their narrow interests without giving due consideration to stability of the financial markets these companies heedlessly jeopardize and the broader issues confronting American finance. In particular, potential financial disruptions due to stresses on the energy supply and in the currency markets make the netting legislation imperative before Congress adjourns sine die.

I urge expeditious and independent action on the netting legislation.

ADVO 100TH RECOVERY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. LAMPSON. Mr. Speaker, I'd like to take a moment to congratulate ADVO, Inc., in its recovery of the 100th missing child that has been featured on its Have You Seen Me? direct mail cards.

For fifteen years, ADVO has made a strong commitment to aiding in the recovery and return of missing children. In partnership with the National Center for Missing and Exploited Children and the United States Postal Service, ADVO launched the America's Looking for Its Missing Children program in 1985. Reaching an estimated 79 million home each week with pictures of missing children, the familiar Have You Seen Me? cards are constant reminders to the public that hundreds of thousands of children are missing annually in our country. In total, more than 40 billion pictures of missing children have been distributed to date.

And Americans have responded in an unprecedented way. ADVO announced on July 31st that the recent joyous reunion of a 5-year-old Pennsylvania girl with her mother, following an 18-month abduction, is the 100th safe recovery of a missing child resulting from the familiar mail cards.

One in six children is found as a direct result of programs like ADVO's. It takes just a few seconds of your time to stop, look and think about the children that are featured on posters, on the cards, and on television. Each time you see one, you're presented with an opportunity to reunite a family with their missing child. Once again, congratulations to ADVO on its continued commitment to this very worthy cause.

IN HONOR OF CHARLES AMPAGOOMIAN, SR.

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. McGOVERN. Mr. Speaker, today I honor the life of a man who, throughout his life, gave unselfishly of himself to his town, his community, and his nation. The son of Armenian immigrants, Charles Ampagoomian Sr. was a life long resident of Northbridge (Whitinsville) which has honored him with the dedication of a bridge in his memory.

In 1939, at the age of 17, Mr. Ampagoomian enlisted in the Army where he served until the outbreak of World War II. Serving with the 885th Bombardment Squadron of the Fifteenth Air Force Staff Sergeant Ampagoomian served his nation with honor participating in the campaigns of North Apennines, Naples, Foggia, Southern France, Rome, Arno, Air Combat Balkans, Rhineland, Po Valley, and Northern France. During his service, Staff Sergeant Ampagoomian was recognized by the Army with numerous decorations including the American Theater Campaign Ribbon, Good Conduct Medal, Distinguished Unit Badge with I Oak Leaf Cluster, GO #3325 Hq 15th AF 44, European, African and Middle Eastern Theater Campaign Ribbon, Victory Medal, and American Defense Service Medal with Clasp.

Following the War, Mr. Ampagoomian returned to his native Northbridge (Whitinsville) working for 35 years as a truck driver and union member. He was active in his community serving as past commander of the Whitinsville Veterans of Foreign Wars, a Member of the Board of Trustees of the Armenian Apostolic Church, on the Advisory Board of St. Camilis Hospital, and on the Northbridge Democratic Town Committee.

I know that the entire town of Northbridge joins with me in honoring the memory of Charles Ampagoomian Sr. a man who was dedicated to family and community. Congratulations to his family on this honor.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. OBERSTAR. Mr. Speaker, I underwent corrective surgery on my hand yesterday, and was not present to record my vote during the consideration of legislation under Suspension of the Rules.

Had I been present, I would have voted "aye" on rollcall 477, for I supported similar Debt Lockbox legislation in July; and I would have voted "aye" on rollcall vote 478.

UPON THE DEATH OF ROBERT P. RASCOP, FORMER MAYOR OF SHOREWOOD, MN, VISIONARY ENVIRONMENTALIST AND DEDICATED MINNESOTA PUBLIC SERVANT

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. RAMSTAD. Mr. Speaker, I rise sadly to salute a remarkable and visionary public servant from my area in Minnesota who passed away recently.

By any measure of merit, Robert P. Rascop of Shorewood, Minnesota, was one of our nation's best and brightest—a gifted business leader and a truly remarkable local government leader.

He had very special leadership skills, indeed. Bob passed away September 12 after a tragic accident. Bob will be sorely missed by all of us who admired and respected his remarkable public stewardship.

Bob lived in Shorewood for a quarter of a century, near the shores of his beloved Lake Minnetonka Bob and his loving wife of 35 years, Carol, raised their children Mary and Larry there.

A gifted business leader with NCR for 34 years, Bob still dedicated much of his time, energy and talent to his community. He was a member of the Shorewood City Council and, from 1981 to 1988, Mayor. His leadership was critical during those years as developmental pressures required good planning by city leaders—and strong principles. Bob Rascop was a thoughtful man of the utmost integrity.

For fully two decades, Bob was very active with the Lake Minnetonka Conservation District, an organization which attempts to strike a delicate balance so that both present users and future generations will be able to enjoy Lake Minnetonka.

Bob helped the LMCD with its important work with his great intellect, impressive array of people skills and sense of humor. Deliberations were fair, everyone was heard. And, in

the end, Lake Minnetonka's environment was the top priority.

All of us who love Lake Minnetonka owe Bob Rascop a deep debt of gratitude. His vigilance and environmental expertise have been instrumental in protecting Lake Minnetonka. I will always be grateful to Bob for his exceptional leadership and visionary guidance, and my thoughts and prayers are with his wonderful family.

PERSONAL EXPLANATION

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. HILLEARY. Mr. Speaker, on Monday, September 18, I was unavoidably detained from the House Chamber when my flight from Tennessee to return to Washington was canceled. Had I been present I would have cast my vote as follows: rollcall 477—''yes''; rollcall 478—''yes.''

HATCH-WAXMAN ACT LOOPHOLES MUST BE CLOSED

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. MOLLOHAN. Mr. Speaker, the modern day pharmaceutical marketplace was established by passage of the 1984 Drug Price Competition and Patent Term Restoration Act. The act, commonly known as the Hatch/Waxman Act, gave brand companies longer patent periods to provide them with financial incentive to innovate. The act also gave generic drug companies a streamlined approval process, so they could bring less-costly versions of drugs to market quickly after patents expired.

The Hatch/Waxman Act worked well. Brand companies introduced hundreds of new drugs and grew to become the most profitable industry in the world. Meanwhile, generic companies were able to provide the public with drugs that cost significantly less.

Unfortunately, the brand drug companies were not satisfied with their astounding success. They are now using loopholes in the Hatch/Waxman Act to file frivolous administrative and legal challenges to keep generic competitors out of the marketplace. For example, brand companies are exploiting loopholes in the act to keep generic versions of drugs such as Taxol for cancer and Losec for ulcers out of the marketplace. Each day the brand companies succeed in delaying generic competition, they reap windfall profits at the expense of patients.

The Hatch/Waxman Act is a good law that will be made great when the loopholes are closed and fairness returns to the pharmaceutical marketplace.

HATCH/WAXMAN ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. PACKARD. Mr. Speaker, in 1984, the Hatch/Waxman Act was signed into law to bring order to the pharmaceutical economy and benefit the American consumer. This Act was enacted in response to rising drug prices and assertions by drug companies that long regulatory delays increased costs for consumers. The Act served as a compromise between the competing interests of generic and brand name drug manufacturers. Under the Act, brand drug companies received extended patent periods. The patent extensions were designed to enable brand companies to make greater profits, which allow for more research. The Act also provided generic drug companies with the right to develop less-costly generic versions of brand drugs as the patents expire.

The Act has been a success for two reasons. First, it provides brand name and generic drug companies with incentives to provide better quality products for consumers; and second, it encourages the brand name industry to dedicate more of its profits to research and development of new drugs under a set patent expiration date.

The best way to ensure continued investment in new drug research is to make sure the Hatch/Waxman Act is enforced fairly and consistently. By doing this, we can give the American public greater access to innovative and affordable medicine, and drug companies will have the incentives intended by Congress to continue to provide their services.

HISPANIC HERITAGE MONTH

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. UDALL of New Mexico. Mr. Speaker, Friday, September 15 marked the beginning of ''Hispanic Heritage Month.'' Our country's history has been richly enhanced by the contributions Hispanic-Americans have given us. I am happy to take part in recognizing these contributions. In my home state of New Mexico we are proud of our Hispanic heritage, which reflects the influence of many cultures.

Not only has New Mexico's history been shaped in part by its Hispanic heritage, but so has the history of our entire Southwest. Indeed, the reach of that Hispanic heritage extended into our eastern manufacturing centers in the 19th Century. It is sad that this rich contribution to our national history is often overlooked. But as the Hispanic presence in our country grows, we cannot continue to ignore the part of the American heritage that played itself out predominantly in—but not only in—the huge territory comprised of what is now the states of New Mexico, Arizona, Texas, California, Colorado, Utah, Nevada and even Oklahoma, Kansas, Missouri and Louisiana. (I say ''predominantly in'' because the first continuing Hispanic presence in our country is generally recognized as having occurred in St. Augustine, Florida.)

To return to New Mexico and my district, New Mexico may have been traversed by Alvaro Nuñez Cabeza de Baca as early as 1536. However, New Mexico became the object of focused exploration in 1540. In that year Francisco Vasquez de Coronado led an expedition into New Mexico and then out across the Great Plains. This was the first documented encounter between New Mexico's Native American communities and Hispanic explorers—encounters that varied in the degree of conflict that occurred between the members of our indigenous cultures and those explorers, but encounters that also began a centuries-long process of cultural exchange and mutual adaptation that eventually shaped the Hispanic Southwest.

Unfortunately, the next 400 years of Hispanic history in New Mexico—and, indeed, in the Southwest—have been neglected and overlooked. And this rich history has also been inappropriately obscured under the cover of past prejudices. Even the use of the term ''Spaniard'' in referring to those early European explorers and settlers ignores the fact that many of those Spaniards came from other European countries—Italy, Flanders, Germany, Greece and even Ireland and England. And while some Spaniards undoubtedly visited and explored New Mexico in search of riches, and Spanish missionaries were intent on converting Native Americans to Christianity, it is clear that most of the early Spanish colonists came to find a new life for themselves in a new land. And others, it has become increasingly clear, came to escape the Inquisition and find a measure of religious freedom for themselves.

The Spanish Crown's first effort to actually settle New Mexico occurred in 1590. Gaspar Castaño de Sosa led a wagon train of Spanish and Portuguese settlers—many of them possibly Sefarad, Iberian Jews—from the area near present-day Monterrey, Mexico up the Rio Grande and then north along the Pecos River to ''winter over'' at Pecos Pueblo in New Mexico. The Jamestown, Virginia settlement was still seventeen years in the future. And Plymouth Rock, Massachusetts, was thirty years away. In the spring of 1591 Castaño de Sosa was arrested at Santo Domingo Pueblo, New Mexico through the machinations of a rival Spanish government official. Castaño de Sosa had moved his fledgling colony to this location by that time. Following his arrest he was marched back to Mexico City, tried, convicted of illegal settlement and then ordered to serve a sentence of hard labor on Spanish ships employed in the Oriental trade. He was killed in a shipboard uprising without ever learning that his appeal of the sentence had been successful and the Spanish Crown had ordered him back to New Mexico as its first governor.

In 1597, after it was clear that Castaño de Sosa had forfeited his life, the Spanish Crown selected Juan de Oñate y Salazar to resettle New Mexico. A number of the members of the Oñate settlement expedition had participated in the original settlement efforts led by Gaspar Castaño de Sosa. Juan de Oñate established his first capitol and settlement—named San Gabriel del Yunque-Yunque—at the Pueblo of

San Juan de los Caballeros, NM. By about 1605 the capitol had been moved to the location it has occupied continuously for almost four hundred years—Santa Fe, New Mexico. This makes Santa Fe the oldest State capital in the United States, pre-dating the landing at Plymouth Rock by more than ten years. While its founding has been attributed to Don Pedro de Peralta in 1610, more recent evidence indicates that it was actually settled at an earlier date.

Hispanic influence now permeates New Mexico. From the dawn of the 16th century, supplies and communications came into the area along the Camino Real del Tierra Adentro—the Royal Road of the Interior—that still stretches 2,000 miles from Mexico City to Santa Fe. For the next two centuries and better, caravans periodically made the six-month trek northward. They brought new crops and agricultural techniques, which were combined with those of New Mexico's pre-historic Native American Pueblo communities. They brought cattle and sheep and taught the Native Americans how to raise them. They introduced horses and the wheel, opening the door to the worlds of transportation, commerce and technology. They brought mining and metal-working techniques that were used to produce weapons, tools and jewelry. They brought their cuisine, which over the ensuing centuries has been synthesized into the unique cooking tradition that is so quintessentially New Mexican.

Over the two centuries that followed this original settlement effort, New Mexico found itself increasingly on the fringe of the portion of the Spanish empire administered from Mexico City—the portion referred to as ''New Spain.'' New Mexico's early economic promise failed to develop. It was a frontier long before the pioneers on our Atlantic seaboard began their westward venturing, then trekking. And while that frontier was not an economic engine for New Spain, it became a marketplace for inter-cultural exchange and the formulation of the most unique blend of cultures in our country.

The descendants of those original ''Spanish'' settlers of multi-national origin were joined by a second wave of settlers following the Native American uprising of 1680 and the resettlement of New Mexico by the forces of the Spanish Crown led by Diego de Vargas in 1692. At annual trade fairs in Taos, Santa Fe or other locations, the Spanish settlers joined with members of the Native American Pueblos to trade with the nomadic Comanche, Navajo, Apache, Kiowa, Ute and other tribes. Members of those tribes left their tribal communities to settle among the Spanish settlers—sometimes willingly, and sometimes because they were captured and forcibly kept as servants. Spanish settlers also were forcibly patriated to nomadic tribes. And in the process, New Mexican culture gained many unique characteristics. And to the degree intermarriage occurred between the Native Americans in the Pueblo communities and the Spanish settlers there also occurred an exchange of cultures. By the middle of the 18th century a new culture was added to the general mix as French traders began to enter New Mexico and to marry into New Mexico's families.

In the 19th Century, New Mexico took, for a time, a more prominent place in the stream of our national commerce when the Santa Fe Trail opened. Hispanic New Mexicans quickly took advantage of this play of fortune, and by the time that the United States incorporated the Southwest into our national territory, Hispanics dominated trade on the Santa Fe Trail. This created the longest continuous trade route in North America, extending from East Coast factories and import houses all the way to Mexico City and beyond. However, as patterns of commerce began to shift around the time of the Civil War, Hispanic New Mexican traders found difficulty in shifting to the larger-scale operations necessary to survive in an increasingly competitive world of national commerce. The place of New Mexico as an important juncture for national and international commerce also began to lose ground as the Santa Fe Trail began to be displaced by the Oregon Trail and then the trans-national failroads. By the late 19th Century, New Mexico had, once again, been relegated to a ''frontier.''

Nonetheless, New Mexico has thrived in spite of its struggle to recapture its former place in our national framework. It has slowly begun to turn the tide at the same time that it has hung onto a treasured way of life steeped in cultural tradition. To this day, many—if not most—of the Hispanic communities in my district still hold their annual fiestas celebrating nearly a half-millenium of New Mexican religious traditions and beliefs. The Santa Fe Fiesta—the oldest continuing festival in our country—draws thousands of visitors every year. Family and community life and values sustain our communities. And cultural traditions and institutions are everywhere.

This blending of cultures that occurred in New Mexico has followed the general pattern of what occurred throughout New Spain—and, indeed, throughout the sphere of Spanish influence in the New World. While there were many hostile conflicts during that process, what cannot be disputed is that the accommodation of ''Old World'' ideas and culture to the ''New World'' was nowhere as complete as within the limits of the Spanish Empire. Almost nowhere else in our country did so many Native American communities manage to survive their contact with the settlers of European heritage. Throughout the Hispanic world the pervasiveness of the Spanish-flavored outlook of this new blending of cultures led to the application of the term ''la Raza.'' While this term has often been translated as ''the Race,'' this literalist translation misses the meaning—because the term is a predominantly cultural, not racial or ethnic reference. And it is a term—like its contemporary English twin ''Hispanic''—that expresses pride in those whose cultural tradition incorporates this blending of cultures under the auspices of the world view inherited from not only the first Spanish settlers of the New World, but also of the peoples who joined them in expanding and broadening that world view.

So while New Mexico has its own unique place in the history and culture of Hispanics, it also shares so much in common with those other parts of the Western Hemisphere that evolved and developed under the same process. We celebrate that richness during Hispanic Heritage Month every year. It is only fitting. We must recognize and embrace the part of our national heritage that not only represents a coming together of so many cultures, but that continues to embrace and welcome those who want to enlarge their world. And so New Mexico, as one stirring example of the history and culture of Hispanics—a mosaic where various cultural ingredients intermingle and complement each other, while often retaining a basic identity—serves as a model for the highest ideals of our society.

Let us then look toward the future during this time of celebration and recognition of Hispanics. As opportunities begin to multiply in new and advanced fields, we must assure that Hispanics are afforded the education and training that will allow them to continue to contribute in much-need ways to our society. And in New Mexico, let us share our pride in our Hispanic heritage. We are living proof that people from different backgrounds can work together for common goals. I join all my colleagues in celebrating Hispanic Heritage Month from September 15 to October 15.

REACTION TO INDIAN PRIME MINISTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. BURTON of Indiana. Mr. Speaker, last week the Indian Prime Minister spoke in this very chamber to a joint session of Congress. In addition, he will meet with several American leaders, including President Clinton and perhaps both major-party Presidential candidates. When he meets with these leaders, they must bring up the issue of human rights and self-determination.

India claims to be a democracy, but in truth there is no democracy in India. It is a militant Hindu fundamentalist state. Christians, Sikhs, Muslims, Dalits, and other minorities suffer severe oppression and atrocities at the hands of Hindu fundamentalists.

Just last month, a priest in India was kidnapped, tortured, and paraded through town naked by militant Hindu nationalists. The Indian government has refused to register a complaint against the kidnappers. This is the latest act in a campaign of terror against Christians that has been going on since Christmas of 1998. This campaign has seen the murders of priests, 5 of which were beheaded; rape of nuns, Hindu militants burning a missionary and his two sons to death in their van, the destruction of schools and prayer halls, and other anti-Christian atrocities. Most of these activities have been carried out by allies of the government or people affiliated with organizations under the umbrella of the RSS, the parent organization of the ruling BJP, which was founded in support of Fascism.

And its not just Christians, where more than 200,000 have been murdered in Nagaland since 1947, who are in danger in India. Over 250,000 Sikhs have been murdered since 1984, and well over 70,000 Kashmiri Muslims since 1988, as well as tens of thousands of other minorities by Indian security forces. We cannot accept this kind of brutality and tyranny from a government that claims to be democratic.

Last year, India denied the U.N. Special Rapporteurs on torture and extrajudicial killings permission to visit the country. And since the 1970's, Amnesty International & other human rights groups have been barred from areas in India. Even Cuba allows Amnesty in! In 1999 Human Rights Watch issued their annual report that noted, "Despite government claims that 'normalcy' has returned to Kashmir, Indian troops in the state continue to carry out summary executions, disappearances, rape and torture". (Human Rights Watch Report; India: Human Rights Abuses Fuel Conflict, July 1, 1999.)

And, while the Prime Minister talks today about a strong relationship with the U.S., just last year his Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance. The Indian Express quoted the Defense Minister in explaining that this security alliance was intended "to stop the U.S."

India is not a country to be trusted. India introduced the nuclear arms race to South Asia, it supported the Soviet invasion of Afghanistan and it votes against us in the United Nations. Its time that India clean up its human rights violations and ends its anti-Americanism. And, let Kashmir determine its own fate as it was promised nearly 50 years ago to by offering a referendum for self-determination. If it is a democracy, it should let its own people vote on their future.

Mr. Speaker, a bipartisan group of 17 Members of Congress, including myself, have written a letter to President Clinton urging him to press the Prime Minister on issues of self-determination for Khalistan, human rights, and release of political prisoners. I'd like to submit a copy of the letter into the RECORD, as well as a press release from the Council of Khalistan that sheds more light on the issue.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 2000.

Hon. BILL CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Indian Prime Minister Atal Bihari VaJpayee will be visiting you from September 13 to September 17. It is important that you press him on the issue of the persecution of Christians, Sikhs, Muslims, and other minorities by the Indian government.

Press Trust of India reported on August 25 that a Christian priest in Gujarat was kidnapped, tortured, and paraded through town naked. This attack was not an isolated incident. Since Christmas 1998, priests have been murdered, nuns have been raped, a missionary and his two sons were burned to death in their van by members of the RSS, which is the parent organization of the ruling BJP, schools and prayer halls have been attacked and destroyed. Yet the Indian government refuses to take any action against the people who perpetrate these atrocities.

During your trip to India, 35 Sikhs were murdered in the village of Chithi Singhpora, Kashmir. The Ludhiana-based International Human Rights Organization investigated this and separately the Movement Against State Repression and the Punjab Human Rights Organization conducted an investigation. Both of these investigations have proven that the Indian government carried out this massacre. The Indian government has admitted that the five Muslims they killed on the claim that they were responsible for the massacre were innocent. Now they have arrested two more people, claiming that they were responsible for this massacre. Yet despite the fact that so-called ''militant'' groups almost always claim responsibility for incidents they are responsible for, nobody has emerged to claim responsibility for the killings in Chithi Singhpora.

The Politics of Genocide by Indejit Singh Jaijee reports that the Indian government has murdered more than 250,000 Sikhs since 1984. These figures were derived from figures put out by the Punjab State Magistracy. India has also killed more than 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits, Assamese, Tamils, Manipuris, and others. According to Amnesty International, there are thousands of political prisoners being held in illegal detention without charge or trial in ''the world's largest democracy.''

India is a hostile country. Last year the Indian Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance ''to stop the U.S.'' India openly supported the Soviet invasion of Afghanistan. It tested five nuclear warheads, beginning the nuclear arms race to South Asia. And it refuses to allow the Sikhs, Kashmiris, Christians, and other minority nations and peoples decide their own political future in a free and fair vote, as democratic countries do. America has repeatedly granted this opportunity to Puerto Rico and Canada has permitted Quebec to do so. Why can't the ''world's largest democracy'' settle these issues the democratic way?

America is the bastion of freedom for the world. We cannot accept this kind of brutality and tyranny from a government that claims to be democratic. We call on you to press Prime Minister Vajpayee on the issues of human rights and self-determination for Khanistan, Christian Nagalim, Kashmir, and all the minority nations and peoples living under Indian rule.

Sincerely,

Edolphus Towns, Donald M. Payne, Wally Herger, Lincoln Diaz-Balart, Cynthia McKinney, Dan Burton, James Traficant, John T. Doolittle, James Rogan, James Oberstar, Peter King, Roscoe Bartlett, Randy ''Duke'' Cunningham, Eni F.H. Faleomavaega, Philip M. Crane, Ileana Ros-Lehtinen, George P. Radanovich.

[Press Release Council of Khalistan]

U.S. CONGRESS: INDIA IS A ''HOSTILE COUNTRY''

LETTER URGES PRESIDENT TO PRESS INDIAN PRIME MINISTER ON SELF-DETERMINATION FOR KHALISTAN, HUMAN RIGHTS, RELEASE OF POLITICAL PRISONERS

Washington, D.C., September 13, 2000—A bipartisan group of 17 Members of the U.S. Congress have written a letter to President Clinton urging him to press Indian Prime Minister Atal Bihari Vajpayee, who arrives for a state visit today, on issues of self-determination for Khalistan, human rights, and release of political prisoners. The letter called India ''a hostile country.''

''We call on you to press Prime Minister Vajpayee on the issues of human rights and self-determination for Khalistan, Christian Nagalim, Kashmir, and all the minority nations and peoples living under Indian rule,'' the Members of Congress wrote. The Members noted the recent incident in which a priest in Gujarat was kidnapped, tortured, and dragged naked through the streets. This incident is part of a pattern of repression against Christians that has been going on since Christmas 1998, they noted. They also took note of the massacre of 35 Sikhs in Chithi Singhpora during the President's visit to India in March, which two independent investigations have proven was carried out by the Indian government. They wrote about the murders of over 250,000 Sikhs since 1984, over 70,000 Muslims since 1988, more than 200,000 Christians in Nagaland since 1947, and tens of thousands of other minorities by the Indian government. ''We cannot accept this kind of brutality and tyranny from a government that claims to be democratic,'' they wrote.

They also wrote, ''India is a hostile country. Last year the Indian Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance, 'to stop the U.S.','' they noted. They also wrote that India introduced the nuclear arms race to South Asia and that it supported the Soviet invasion of Afghanistan.

The lead sponsor of the letter was Representative Edolphus Towns (D-NY). Other co-signers include Representative Wally Herger (R-Cal.); Representative Donald M. Payne (D-NJ); Representative Lincoln Diaz-Balart (R-Fla.); Representative Cynthia McKinney (D-Ga.); Representative Roscoe Bartlett (R-Md.); Representative Dan Burton (R-Ind.), chairman of the Government Reform and Oversight Committee; Representative Randy (Duke) Cunningham (R-Cal.); Representative James Traficant (D-Ohio); Representative Eni F.H. Faleomavaega (D-American Samoa); Representative John T. Doolittle (R-Cal.); Representative Philip M. Crane (R-Ill.); Representative James Rogan (R-Cal.); Representative Ileana Ros-Lehtinen (R-Fla.); Representative James Oberstar (D-Minn.); Representative George P. Radanovich (R-Cal.); and Representative Peter King (R-NY).

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. About 50,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. India is in gross violation of international law. Since 1984, India has engaged in a campaign of ethnic cleansing in which about 50,000 Sikhs were murdered by the police and secretly cremated, according to Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, in an interview broadcast on ''Ankhila Punjab'' radio in Toronto, Canada. The Indian Supreme Court described this campaign as ''worse than a genocide.''

''On behalf of half a million Sikhs in the United States, I would like to thank Congressman Towns and every Member who signed this letter,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. ''We thank our friends in both parties for their support for freedom in South Asia. This letter can help focus the attention of the United States and India on the important democratic values of self-determination and human rights,'' he said. ''The willingness of these Members of Congress to call India a hostile country also advances freedom in South Asia by helping to frustrate India's drive for hegemony in the region,'' he said. He predicted that ''the breakup of India

draws closer every day and Khalistan will be free in this decade.''

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF HEATHER MOYLAN, GEORGE (BUD) VANA, IV AND MATTHEW JENNESS

REGARDING GENDER REQUIREMENT IN AFFIRMATIVE ACTION—MAY 26, 2000

HEATHER MOYLAN: Today we would like to propose that new legislation be introduced regarding gender equity, legislation that would repeal any sections of affirmative action that make reference to gender in the workplace. Affirmative action is defined as actions taken to provide equal opportunities as an admission for employment for minority groups or women.

Traditionally society has dominated by the male gender. Today, however, advancements have been made for women in regards to jobs, sports and education. Affirmative action legislation and its close cousin, Title 9 have had a lot of important and beneficial progress for women in all of their endeavors. In most cases quality is already a reality. Statistics show in some cases there is a female advantage and of course there is still progress to be made. The legislation and enforcement by the government, once crucial, has run its course. The American people have become accustomed to gender equality.

States have created their own legislation. Institutions and public and private sectors have their own regulations, and in summary the law has done all that it can do. The danger now exists that the law may be abused with so-called reverse discrimination suits.

MATTHEW JENNESS: Last night I went out and I found information to back this up; with looking at the job rate between male and female and I found that the participation rate percentage was in 1948, 32 percent female and 86.9 percent male. In 1979, 50 percent female and 78 percent male, and in this year, 2000, 75 percent male and 60 percent female. So from that I figure that a 60 percent—there is a pretty good margin there, it is close, and the ten percent may be people who chose to be—females choosing to take traditional roles in the family.

GEORGE VANA, IV: I get to show you some stuff, I guess. Now this is a graph of high school attendance percentage. These are 14- and 15-year-olds. This right here is the male bar and that represents 80.2 percent attendance and this represents female attendance which is 85.6 percent, and this is I guess preliminary to what we are getting to here.

CONGRESSMAN SANDERS: So that chart shows there are more girls in high school than boys.

GEORGE VANA, IV: This is college enrollment and it is the same trend basically. 41.7 percent of 18- and 19-year-old males attend college, and I guess it is 51.3 percent of females, age 18 to 19 years old attend college. These are based on the United States Census Bureau. And then we are also going to look at male versus female education accomplishments, and you can see here that education attainment which basically signifies some degree of some sort is much, much higher nowadays within females. These are numbers in the thousands, 46,888,000 females now attain higher educational status compared to 29,343,000 males. And current college enrollment, also in the millions, is we have about 6,905,000 males in college right now as opposed to 8,641,000 females, so a gap exists now I guess and that would almost be in favor of females where affirmative action legislation many years ago served to increase these numbers.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF FALINDA HOUGH, DANIELLE MORGAN AND WENDY PRATT

REGARDING HOUSING FOR TEEN MOTHERS—MAY 26, 2000

WENDY PRATT: My name is Wendy and we are teen moms, young mothers who have a lot of problems with housing, and we would like it if we had a program for us to work through to get help with getting housing for us. Our school put together a program called Independence and it is for single mothers with one child and I have a child and a child on the way, so that is not a program that I can link, go through because I am going to have two children, and it is just so hard for me to find someplace to stay.

DANIELLE MORGAN: I am 16 and I have an eleven-month-old son. I live at my mother's house which includes me and my son, my mother, my six-year-old little brother and my stepfather, and that is somewhere that I really do not want to be right now because one thing is that it is hard to parent when you are also being parented. I can not do what I want with my son because my parents are interfering with that. And I have been told that because of past college students and just younger people that rented apartments in Burlington, they wrecked the apartments, we are not allowed to do that anymore and I feel that is unfair to me and my friends and whoever else is going through the same things I am going through because I feel that I deserve my own space for me and my child.

There is the Lund Home and I have lived there, I lived there when I was pregnant, and I feel that is a very good program. But then when you leave there, there are some people that are ready for something more. And I will be 17 in August and I feel like I could have my own apartment and my own space to live in. I thank Lund is for a beginning process for people that need to learn more things, but I have already been there and now I am stuck. I have nowhere else to go.

FALINDA HOUGH: Actually I am in the same situation as Danielle. It is hard to live in your house where you are also being parented and your parents are trying to tell you how to raise your kid. And there should be other opportunities for us as far as the Lund Center, but you cannot go there if you have two children, so it is hard for other people to go there. And there should be more housing for us where we can live.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF PAULA DUFRESNE AND KATHLEEN SHEVCHIK

REGARDING DATE/ACQUAINTANCE RAPE—MAY 26, 2000

KATHLEEN SHEVCHIK: Good morning, Congressman SANDERS, fellow students and those attending this event.

Today we come before you to express our concern about a crisis: date and acquaintance rape. After researching in depth about date and acquaintance rape, we feel a definite need for change in the near future. In out society there needs to be more awareness and knowledge available for students. There are many factors leading to rape whether it is alcohol, drugs or even Rapinol slipped into a drink, this is a serious problem needing a definite solution.

Acquaintance rape is defined as any nonconsensual sexual activity between two or more people who know each other. Here are some facts. 60 percent of all rape victims know their assailants, but 92 percent of adolescent rape victims know their assailants. On college campuses one in every four women is a victim of rape. 84 percent of these women knew their assailant and 57 percent of those rapes happened on a date.

Congressman SANDERS, I will enroll as a freshman next year in college, and after this research I am scared that I could be another statistic. Date rape is about power and control, not romance and passion. Many women think it could never happen to them, but they are simply not educated enough on this issue.

What we are proposing today is the need for schools to provide more education on date and acquaintance rape. Women need to become more aware of their surroundings and situations that lead to rape. Men must be portrayed as a part of the solution, not just the source of the problem.

PAULA DUFRESNE: We think there should be an educational program nationwide. This program should inform both men and women on all aspects of date rape. We feel this program should be attended twice; once entering high school and once entering college. We feel that this program should have group discussions about when sexual activity is considered rape, how to be more assertive, and to realize that no always means no. There should also be the victims of date rape and even possibly their assailants. This program would create more awareness to everyone. It would bring so much positive to schools and even to individuals. The knowledge should be given out before the students have to use it. We strongly believe that no action will only insure that an unacceptable situation remains unchanged. In conclusion, we will leave you with the words of Katie Ripley, a college student who wrote The Morning After, Sex, Fear and Feminism on Campuses. ''Today's definition of rape has stretched beyond bruises to threats of death or violence to involve emotional pressure and the influence of alcohol.''

BLUE RIBBON SCHOOL WINNER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Scripps Ranch High School in Scripps Ranch and its leaders, Principal, David LeMay and Superintendent, Alan Bersin. Scripps Ranch has been designated by the U.S. Department of Education as a National Bule Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Scripps Ranch High School's superior work be included in the record:

Scripps Ranch High School, San Diego, California, opened in 1993, modeling its curriculum on Second to None: A Vision of the New California High School, the 1992 report from the California State Department of Education Task Force. Strong academics, modern technology, a wide variety of electives, block scheduling, advisory periods, and the integration of academic and career curricula are Second to None fundamentals and the foundation of the learning environment at Scripps Ranch High School (SRHS). An innovative and quality staff presently serves an ethnically diverse 2,063 student population.

All students participate in a 23-minute CORE (Career Opportunities, Reading, and Exhibitions) advisory period that meets two days each week. The CORE period is used to mentor students, promote school-to-career activities, and to advance literacy through reading. Staff members keep the same CORE students throughout their high school years. Because of this continual mentoring in a 25 to 1 ratio, each student has a link to a staff member who knows and cares about them and can refer them for assistance when a need arises. The heart and soul of SRHS lies in its staff. Their dedication to teaching and students is obvious to anyone who visits a classroom or attends an extracurricular event. Teachers not only sponsor clubs and coach teams, they attend and support student events and activities throughout the school year. This school began with pride in its foundations, continues to build on its reputation of excellence, and is ever ready to enhance its programs to benefit the students that it serves.

DEBT RELIEF LOCK-BOX RECONCILIATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 2000

Mr. JONES of North Carolina. Madam Speaker, I rise today to urge my colleagues to support the Debt Relief Lockbox Reconciliation Act.

According to the Department of Treasury, our national debt stands at over $5.6 trillion. Every man, woman, and child owes $21,000 for that debt. Even in these strong economic times, that debt remains an albatross over the prosperity of future generations. This legislation takes steps to correct that problem. It would ensure that the vast majority of the surplus is reserved for two important purposes: (1) to ensure that the Medicare and Social Security are preserved and (2) to reduce the public debt. We have a moral obligation to uphold these principles. Not only are they critical to Americans today, but they will greatly impact American generations of tomorrow.

The bill introduced by my friend and colleague from Kentucky would reduce the publicly held debt by an additional $240 billion in FY01 and would protect all of the Social Security and Medicare surpluses. By using 90% of the projected FY01 surplus, we are making a good-faith, common-sense effort to put an end to all publicly held debt by 2012, keeping with the promises made when I was first elected in 1994. Instead of spending this money on more unnecessary federal programs in Washington, we are putting a real downpayment on a better future for America. I urge my colleagues to join me this week in voting that future.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. JONES of North Carolina. Mr. Speaker, last night I was meeting with constituents in North Carolina and unavoidably missed rollcall votes 477 and 478.

Had I been present, I would have voted "yes" on rollcall vote No. 477 and "yes" on rollcall vote No. 478.