

HOUSE OF REPRESENTATIVES—Thursday, September 28, 2000

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of truth, God of our salvation, at times we think we are wronged for simply doing what seems to be right to us, but who can really harm us if we are truly devoted to what is good?

Lord, allow no weakening of our commitment to be a body of justice and the defense of the oppressed.

Strengthen us to suffer for virtue's sake. For whom should we fear, or why should we be perturbed, if You, O Lord, are revered in our hearts?

Free the conscience of this assembly and this Nation, that we may be Your instrument of goodness and peace, now and forever, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2647. An act 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.

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. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minute speeches on each side of the aisle.

BRUTALITY IN BURMA BEING IGNORED

(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, the government of Burma has engaged in repressive, brutally violent tactics against its people.

Earlier this week we heard testimony of women, children and men being raped, forced into slave labor, and watching their villages and food sources destroyed. Squadrons of Burmese military have tortured and murdered villagers throughout the country.

One eyewitness recounts this horror: "Before the military killed them they captured them, they did not feed them rice or give them water for 7 days. They beat them and punched each of their faces more than 500 times. They sliced their legs and arms and dried them in the hot sun. They stabbed them at least 200 times each. They abused them until they cut out their intestines and then pushed them back in their gut, but didn't kill them right away. They kept them like that day and night and then killed them in the jungle."

In light of these atrocities, why does Burma not get more attention by the international community?

Mr. Speaker, the international community must do something to assist these people who have suffered for too many years at the hands of this brutal dictatorship.

COMMENDING JEFF SCHIEFELBEIN, FOUNDER OF CARPOOL

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

Mr. LAMPSON. Mr. Speaker, I am going to digress from my normal message on international child abduction to commend a new acquaintance, Jeff Schiefelbein. Jeff is founder of an organization called CarPool, a designated driver program that provides safe rides for the Texas A&M area to intoxicated or otherwise incapacitated students.

After receiving a DWI, a driving while intoxicated charge, and while serving an 18-month probation sentence, Jeff and his friends created a program intended to decrease the amount of drivers under the influence in the community that would be good for the users and the helpers.

This spring, CarPool received an award for the Outstanding Achievement for a New Committee at Texas A&M, and another award for the best Individual Contribution to Campus for his work on CarPool. In its first year of operation, CarPool gave 6,343 rides and is now in demand at other college universities, on other campuses.

Great by great young people. Congratulations to Jeff Schiefelbein at Texas A&M University and his friends for their dedication in stopping drinking and driving.

ADMINISTRATION PLAN TO RELEASE OIL IS RECKLESS

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

Mr. GIBBONS. Madam Speaker, after 7½ years of no energy policy and skyrocketing fuel prices, the Clinton-Gore administration plans to release 30 to 35 million barrels of oil from the U.S. Strategic Petroleum Reserve. It is not that we do not appreciate the gesture, but it is just a 2-day supply.

But there is a bigger problem. This is the first time that the reserve has been tapped since 1991, when the United States was in the middle of the Persian Gulf War and our oil supply was in danger of being cut off.

Madam Speaker, the administration's decision is ill-conceived, illogical, ill-advised, and perhaps even illegal. Even the administrations's own top advisors oppose tapping the oil reserve, including Treasury Secretary Summers, who said that the decision would be "a major and substantial policy mistake."

This Republican Congress has tried to promote a sound energy policy, both domestically and abroad, but the administration has vetoed every attempt at doing so. Yet 46 days before the election, the Clinton-Gore administration announces a desperate plan, which will not lower oil prices but will endanger our national security.

Madam Speaker, I yield back the Clinton-Gore plan as a blatant political ploy.

SOCIAL SECURITY INEQUITIES

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

Mr. REYES. Madam Speaker, the teachers in the State of Texas and in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

many states do not pay Social Security taxes. Because they do not pay into Social Security, teachers do not receive Social Security benefits. Instead, these teachers receive a pension from their respective State.

While retired teachers may be eligible to receive Social Security benefits as a result of previous jobs, these benefits are often greatly reduced. Further, some or all of a spouse's or widow's or widower's benefits may be offset if a retired teacher receives a pension that did not require payment of Social Security benefits.

This is why I am a cosponsor of H.R. 1217, a bill that would address the problem of reduced Social Security benefits in the case of spouses and surviving spouses who are also receiving government pensions. These would include the pensions that teachers receive from the State of Texas and other States.

H.R. 121 would modify the formula, and is currently pending in the Committee on Ways and Means Subcommittee on Social Security.

Madam Speaker, there are 253 cosponsors of this important legislation, and I would request that this bill be moved out of committee and brought before the House for a vote.

RECKLESS USE OF STRATEGIC OIL RESERVE

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

Mr. FOLEY. Madam Speaker, have you ever noticed that when you borrow money from your savings account with good intentions, it never seems to find its way back to the account? Well, that is what we are doing with the Strategic Petroleum Reserve account.

We are announcing today that in order to help oil prices, that we are going to release 30-plus million barrels of oil from that strategic reserve. The question is, when do you replace it, and how much is the cost when it is replaced?

The campaign of the Vice President is quickly running out of gas itself, so, in order to make themselves also more popular with voters, they have succumbed to a ploy that I think is reckless and dangerous. Every editorial board around the country has condemned it as a bad idea and not appropriate.

Madam Speaker, this administration sued Microsoft. They should have sued OPEC. We have got a lot of problems with price collusion. Maybe the American taxpayer would not be worrying about future energy prices or supplies if they had acted more aggressively. Here are our friends that we bailed out of the Kuwait invasion now turning against us by raising oil prices daily.

BEFORE IT IS TOO LATE

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

Mr. HOLT. Madam Speaker, yesterday the National Commission on Mathematics and Science Teaching for the 21st Century issued its report entitled "Before it's too late" on the state of math and science teaching in America. The Glenn Commission, as it has come to be known, identifies teaching as the most powerful instrument for reform in education, and thus the place to begin.

I am proud to be one of four Members of Congress selected to serve on the Glenn Commission, which was chaired by former senator and astronaut John Glenn.

As the report concludes, we must significantly increase the number of teachers who feel qualified to teach math and science, and change the environment of professional development to create an ongoing system of improvement in our schools.

Teaching our children math and science is important for economic productivity and national security. It is also important at an even more profound level than the practical benefits to our economy.

Math and science bring order and harmony and balance to our lives. They teach us that our world is not capricious, but predictable, that it contains pattern and logic. They also provide us with foundational skills for lifelong learning, for creating progress itself.

HOLDING THE DEPARTMENT OF EDUCATION ACCOUNTABLE

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

Mr. SCHAFFER. Madam Speaker, America's children deserve the world's best education, but they are not getting it. Even though the Federal Government has spent over \$100 billion annually on education, 40 percent of our Nation's fourth graders fall below the basic level of reading achievement.

Madam Speaker, it is little wonder the Department of Education has mismanaged and lost billions of taxpayer dollars, and millions more have been literally stolen from Department office buildings, stolen from America's children. The Department of Education cannot account for how it spent nearly \$32 billion in taxpayer funds.

Since 1983, more than 20 million students have reached their senior year unable to do basic math, and it all seems to have gone unnoticed by the Department of Education. The Department does not expect to pass audits for at least 2 more years.

Madam Speaker, it is time that the Department of Education is held ac-

countable for how it spends our money. The Clinton-Gore administration has been in office for 8 years, and they squandered their opportunity to help.

Republicans believe no child should be left behind.

PRESCRIPTION DRUG BENEFIT

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

Ms. WOOLSEY. Madam Speaker, many, many of our seniors must choose between buying food and buying medicine every day and every week of their lives, and we know that that is not right. But what are we doing about it? What are we doing in this Congress as we come to the end of the 106th Congress?

My Republican colleagues would suggest that private insurance companies take over this issue, but from 1995 to 1999 this country has doubled what is spent on prescription drugs, from \$65 billion a year to \$125 billion a year.

Prescriptions are a fact of life. Do we really believe that private insurers are willing to take on the burden of 18 prescription drugs on average per year for a senior citizen? Of course not. If it were at all profitable, private insurers would already be all over this market.

Instead, we need to expand Medicare. We need to include the guaranteed prescription drug benefits through a good program that has been working for us for 30 years.

101ST ANNIVERSARY OF VETERANS OF FOREIGN WARS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Madam Speaker, on the evening of September 29, 1899, 13 men gathered in a tailor's shop at 286 East Main Street in Columbus, Ohio. They were all veterans of the U.S. 17th Infantry Regiment who had fought in Cuba during the Spanish-American War. They gathered to remember those killed in action, to assist their surviving brothers, and to care for the families of those who had died. This meeting formed the foundation of an order, which we know today as the Veterans of Foreign Wars.

While the total significance of this first meeting was unknown to these 13 veterans, without a question, the VFW's actions have left an indelible mark on the last 100 years of our Nation's proud history.

Madam Speaker, tomorrow I will have the distinct privilege and honor to unveil an historic marker at the very site where the VFW was born, exactly 101 years ago in Columbus. As a sponsor of this historic marker, I am proud that we will be commemorating

the very spot where this organization first got its start. Undoubtedly, this marker represents the VFW's wonderful tradition of service to our community in central Ohio and to our great Nation.

□ 1015

MEDICARE PRESCRIPTION DRUG COVERAGE

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

Mr. ALLEN. Madam Speaker, after fighting tooth and nail against Democratic efforts to provide seniors with prescription drug coverage, the Republican leadership now appears willing to make a small concession. They will agree to let pharmacies buy drugs from Canada for sale to U.S. citizens. This is the bipartisan crumb that may be given to seniors by the 106th Congress.

The Republican leadership believes that if they govern as Republicans for 22 months, they can win elections by talking like Democrats for the last 2.

Governor Bush barely mentioned the words "prescription drugs" during the primary season. Now he says he has a plan, but it will not help middle-income seniors with huge drug bills. He says that Medicare is a government HMO. It is not. It is reliable. Medicare does not pick up and leave a State if it is not making money.

It is cost effective. Medicare has 3 percent administrative costs instead of 30 percent for the private insurance companies. It is fair. Medicare covers all seniors, not just a few.

A Medicare prescription drug benefit with negotiated lower prices for all seniors, that is the Democratic promise.

NATIONAL ALLIANCE FOR AUTISM RESEARCH SPONSORS "WALK FAR"

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

Ms. ROS-LEHTINEN. Madam Speaker, autism strikes one out of every 500 children. In Florida, 50 percent of all children and adults afflicted with autism reside within my congressional district. I have become very familiar with this disorder because my close friend, Patience Flick, has two children, Bonnie and Willis, with autism.

On November 4, we will be participating in Walk FAR, Friends and Relatives, sponsored by the National Alliance for Autism Research. This first walk of its kind is being organized by the cochairs, Michelle Cruz and Marie Eileen Whitehurst, two south Florida mothers whose children have autism.

South Florida will come together that Saturday to raise research funds

for the National Alliance for Autism Research, which in only 4 years has committed \$3 million for 50 specific projects and fellowships around the world to combat this devastating disorder.

Madam Speaker, I ask my colleagues to join me in congratulating Michelle and Marie Eileen, as well as Karen London, founder of the National Alliance for Autism Research, Dr. Michael Alessandri, director of the University of Miami Center for Autism and Related Disorders, and the hundreds of south Florida families who will join forces to begin the eradication of autism.

SENIORS MUST HAVE MEDICARE PRESCRIPTION DRUG COVERAGE

(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. Madam Speaker, today, once again, America awoke to the story of another senior citizen that finds the difficult choices in their life because of the cost of prescription drugs.

Winifred Skinner, 79 years old, of Des Moines, Iowa, yesterday told the Vice President how on her \$800-a-month income, \$250 will go to prescription drugs, which leaves her very little for her other costs of maintaining her household. Therefore, she spends 2 and 3 hours a day collecting aluminum cans to turn in to provide food for herself. She is reduced to walking the streets and the roads of Des Moines, Iowa, so that she can collect cans to provide food because of the high cost of prescription drugs. She has no prescription drug benefit.

Madam Speaker, we have been trying now for almost 2 years to get the Republicans to agree to have a Medicare prescription drug benefit so people like Winifred Skinner will have a reliable benefit to help pay for the medicines that they need; not a plan that depends on whether or not their HMO is in business or out of business; not a plan that depends on whether or not an insurance company will write the benefit or not, but a guaranteed plan within the Medicare system so that seniors know that they can rely on it.

The time has come so Winifred Skinner does not have to keep walking the roads.

MEDIA WATCHDOG ORGANIZATION NEEDED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, since Labor Day, the traditional start of presidential campaigns, ABC, CBS and NBC evening newscasts have given AL GORE 55 percent positive cov-

erage and George Bush only 35 percent. The networks, which are the primary source of information for most Americans, did not cover several possible scandals involving the Gore campaign.

Sometimes I wonder if they are trying to control our political process. The media do not have a license to lie or mislead or slant or skew the news. We should hold biased members of media accountable and encourage them to be fair, impartial, and balanced.

One way is to form a citizen's watchdog organization. If the media will not police themselves, and if we cannot allow the government to intervene, then it is up to us to take the initiative.

Good government and fair media coverage demands that we take such an action.

OIL AND FUEL PRICES

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

Mr. TRAFICANT. Madam Speaker, gasoline is going up to \$2 a gallon. Home heating oil fuel is going up 50 percent. Diesel fuel is so high we will get a nosebleed.

Beam me up. We do not need to open up emergency oil reserves. That helps oil companies and monarchs who can continue to gouge. It is time for Congress to slap huge fines on those companies that gouge the American consumer.

But, finally, it is also time to tell those monarchs and dictators from the OPEC countries the next time Saddam Hussein comes calling, dial 911 for the Boy Scouts, because they are on their own. I guarantee in 30 days this thing will be resolved.

Madam Speaker, I yield back the fact that America is being gouged as much by American companies as they are by these monarchs and dictators overseas.

TAXPAYERS' CHOICE DEBT REDUCTION ACT

(Mr. SANFORD asked and was given permission to address the House for 1 minute.)

Mr. SANFORD. Madam Speaker, Eisenhower apparently once said that he believed that there could be no surplus as long as our Nation was in debt. I come from that school of thought, and yet that is not exactly where we are right now in Washington.

Where we are right now is debating whether or not 90 percent or 50 percent, or some number in between, of these projected future surpluses should be allocated to the debt.

What struck our office is the fact that really more than just the Congress should be involved in that debate. It is for that reason that I introduce today the Taxpayers' Choice Debt Reduction Act.

Madam Speaker, what it would do would be to simply take the 1040, the tax return as we now know it. And right now, we can send \$3 to the presidential campaign. This would create another box wherein we could send 3 bucks to debt reduction. That is not enough money to change our national debt, but it is enough money to make a small step in an important debate that we all ought to be a part of.

RETURN EDUCATION DECISIONS TO LOCAL CONTROL

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

Mr. TIAHRT. Madam Speaker, the Federal Government has spent a lot of money on education. Yet the United States continues to rank near the bottom of industrialized nations in student test scores. This simply is unacceptable.

The United States is the most prosperous Nation in the world. There is no reason why our schools cannot be second to none. However, just loading up the Federal bureaucracy with more money is not the solution. Yet this is the very approach the Big Government party of Clinton and Gore and the other liberals are attempting, and it has failed time and time again over the past 40 years.

So what is the solution? We Republicans want to return the dollars and the decisions back to the parents and teachers who know our children's names and their educational needs. Parents and teachers should set education policy, not some Washington bureaucracy or someone sitting in a fourth story of a government office building right here in Washington, D.C.

The only way to turn the test score embarrassment around is local control of local schools. But if the liberals keep following their presidential nominee down the path to the roadblock, America's future in education has no hope. For the sake of our Nation's children, let us join together and return control back to our schools and our local governments and our parents and teachers.

KENNY GAMBLE'S ONE-MAN URBAN RENEWAL IN SOUTH PHILADELPHIA

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

Mr. KINGSTON. Madam Speaker, recently I had the opportunity to go to Philadelphia, and there I met with Kenny Gamble. My colleagues may remember the Gamble and Huff song writing team who produced music for the O'Jays and Harold Melvin and the Blue Notes. Mr. Gamble is a very suc-

cessful businessman and music producer. He moved back to South Philly, his childhood home in the ghetto, and is basically starting a one-man urban renewal project.

It is a very inspirational project. One of the keystones of that is a charter school that he started. Four hundred kids are in that charter school, with a waiting list of 1,400 children.

Why is it successful? Because it is run locally with input from the teachers and the parents. It is something that all the neighborhood and the community can focus on and take a lot of pride in. It does not have Washington bureaucrats micromanaging it. It does not have people from the State capital in Pennsylvania telling them what to do.

Madam Speaker, I believe this is a key corner to our education reform effort to get people back home interested and involved in the education process, because our children and our future are at stake. We should all follow Mr. Gamble's lead.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 598 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 598

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, H. Res. 598 is a rule providing for the consideration of the conference report to accompany H.R. 4733, the Energy and Water Appropriation Act of 2001. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The conference agreement provides \$23.59 billion in new discretionary spending authority for the U.S. Army Corps of Engineers, the Department of the Interior's Bureau of Reclamation, the Department of Energy, and several independent agencies.

The bill is \$2.3 billion above fiscal year 2000, and \$889 million above the President's request.

Most notably, Madam Speaker, as a Member whose district includes the most challenging nuclear cleanup project in the Nation, I am pleased that the conference report increases the funding for the defense environmental management cleanup activities by \$6.12 billion, an increase of \$406 million over last year.

Specifically, this legislation includes \$377 million for the critically important Hanford Tank Waste Treatment Facility that is located in my district.

Finally, I would like to point out to my colleagues that this conference report also includes an appropriation of \$5 million dedicated solely to reducing the national debt.

Madam Speaker, I want to commend the chairman of the Subcommittee on Energy and Water Appropriations, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their efforts to defend the House position on a long list of important items in this legislation. They have worked long and hard to bring this agreement to the House, and accordingly, I urge my colleagues to support both the rule and the conference report.

Madam Speaker, I reserve the balance of my time.

□ 1045

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

Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS), my colleague and my dear friend, for yielding me the customary half hour.

Madam Speaker, I would also like to thank the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from California (Mr. PACKARD) for their work on this bill. They really had to juggle a lot of requests and a lot of issues. And as a result, this conference report contains funding for some very, very good water projects and infrastructure projects.

Unfortunately, Madam Speaker, something happened last night in conference that will force me to oppose this rule and oppose it very strongly. Despite the fact that many people in the Northeast are currently facing what promises to be the worst heating crisis, winter heating crisis in two decades, some of my colleagues have decided to eliminate the funding in this conference report for Northeast home heating oil reserve.

Madam Speaker, I do not know why my colleagues would want to take steps to avoid helping their neighbors, but I do know how bad the situation could be in Massachusetts. According to today's Boston Globe, the Energy Information Administration announced yesterday that the stocks of heating oil shrank by another 300,000 barrels over the last week, and what that means, Madam Speaker, is that New England has less than one-third of the supply of heating oil that it had last year.

Madam Speaker, the winter we had last year was terrible, and we did not have anywhere near enough home heating oil.

Madam Speaker, two million households in Massachusetts depend on heating oil to warm their homes in the winter. Meanwhile, prices are up to about \$1.40 a gallon and to give you a sense of perspective, it was \$1 last winter and 80 cents the winter before. Madam Speaker, let me tell my colleagues it gets cold in Massachusetts and these very high prices force families to make that horrible choice between heating their homes or feeding their children.

But, Madam Speaker, we can do something about this. We can insist on a New England heating oil reserve. We can oppose efforts to stop the President from releasing 30 million barrels of oil from the Strategic Petroleum Reserve. Now, to hear some of my Republican friends talk, this is a violation of a sacred thing to release this oil, but this is not the first time this oil has been released from the Strategic Petroleum Reserve.

Madam Speaker, this would be the 11th time that oil has been released and every time, Madam Speaker, the release had the blessings of my Republican colleagues. But all of a sudden the 11th time it is released, it is political, but the other 10 times it was not.

So contrary to the way it may seem, oil really is not a matter of political parties, it is not a matter of competition between one region or another. In Massachusetts, heating your home really is not a luxury.

For many in the Northeast, Madam Speaker, it really could be a matter of life and death. So to put people's health and safety at risk for partisan gain is absolutely inexcusable. So I urge my colleagues to oppose this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. PACKARD), the chairman of the Subcommittee on Energy and Water Development, who is dealing with this legislation and somebody who is working on his last appropriations bill before he retires.

Mr. PACKARD. Madam Speaker, I thank the gentleman for yielding me

the time, and I would like to respond to the remarks of the gentleman from Massachusetts (Mr. MOAKLEY) concerning Northeast home heating oil reserve and the Strategic Petroleum Reserve.

I want to correct, what I hope is a misunderstanding. We have never had in this bill funding for the Northeast energy oil problem. That funding is in the Subcommittee on Interior, not in this bill. So we not only did not knock it out, it never was in this bill. There was an amendment passed on the floor of the House to do something in this area, but that jurisdiction really belongs in the Committee on Interior and not in this committee.

This is to further clarify this whole issue. The House did pass a separate freestanding bill, the Energy Policy and Conservation Act, and that would have dealt with the Northeast oil issue, but that bill is being held up in the Senate by Senator BOXER. And for that reason, it has not moved. It is on hold by the Senator.

The administration claims, however, that as long as the appropriations exist, they do not need legislation to release oil from the Strategic Petroleum Reserve. In fact, the President announced last Friday that he was releasing 30 million barrels from that reserve. Clearly, he does not feel that legislation is necessary for this purpose.

Madam Speaker, I do not agree with him, and frankly I do not think that is a wise policy, but the fact is that is what he announced. And so we did not need to include funding in this bill for that purpose, and we did not include it in the bill. It does not belong in our bill. It belongs in the Interior Appropriations subcommittee bill. So we have not included it.

Madam Speaker, on the rule itself, however, let me just make a comment. I totally support the rule that is before the House. I commend the Committee on Rules for providing us with this rule. It should be very simple for us to move forward with this conference report under the rule, and I hope that the House will unanimously vote for the rule.

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

Madam Speaker, we had an immigration bill that started out in one bill and then it was pulled out, it was put in another bill, and then when we passed it on the floor, it was pulled out and put in another bill. Is this what is going to happen from the Northeast, it is going to go from Interior to Energy and Interior to Energy? There was a vote, 360 people voted for this Northeast petroleum reserve. It should be in the Energy bill. So to have the gentleman say it should not be in the Energy bill, I do not know why it should be in Interior and not in Energy.

I think legislation may be necessary to give the President the right, because the right the President had to release that oil lapsed last month, and I think there is a question of whether he needs the authority or not. But regardless of what happens, the Northeast petroleum reserve should have been in the Energy bill, unless the gentleman can tell me it is absolutely going to be in the Interior bill.

Mr. PACKARD. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. PACKARD. Madam Speaker, all jurisdiction for fossil fuel lies within the Subcommittee on Interior, not this subcommittee, Subcommittee on Energy and Water Development, we have other energy issues, but not fossil fuel. The Strategic Petroleum Reserve is in the Interior jurisdiction.

I served on that subcommittee when I first went on appropriations, and that is where we dealt with it then and that is where it ought to be dealt with at this time.

Mr. MOAKLEY. Madam Speaker, reclaiming my time, but the gentleman, I am sure, knows it is not going to be dealt with. And we know in the past we put amendments in other bills that really did not have the jurisdiction and it passed. But I think it is going to get awful cold awful quick, and I would hate to be someone who voted against this to answer the questions why did not we not act when we had time.

As I say, go back to the Cubin bill. It goes from one committee to the other. Every time it comes up, the committee says no, it is not our jurisdiction, it is somebody else's jurisdiction. I think we should look at the problem itself and how complex it is and how necessary it is that some people have to choose between heating and eating.

And I do not think we should say it should not be in this bill because we have never handled it before. We have done a lot of things that we have never done before.

And as far as the release of the Strategic Petroleum Reserve, I am not saying it is in this bill, I am just referring to an action of a Member of his party that is trying to stop the release of the petroleum. I just want to show that this has been done.

This will be the 11th time it has been done, and this is the first time that anybody accused it of being political.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I have no more requests for time.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from the great State of Massachusetts (Mr. CAPUANO), a colleague of mine from Somerville.

Mr. CAPUANO. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Madam Speaker, as I was watching this back in the office and as I was reading the contents of the particular bill, I have to tell my colleagues I am absolutely shocked. I do not think anyone at home, certainly nobody in my district, cares who has what jurisdiction. They could care less, they care about one thing, keeping their seniors and their kids warm. And for us to sit here and argue about jurisdiction to make promises that we may not be able to keep is ridiculous. It is patently absurd and unfair.

I came over today to make sure that the people I represent do not care if it is political or not. We are all politicians. We all do things for political reasons. Do my colleagues think any senior citizen who freezes in the middle of the winter cares about politics? They want heat. And for those people who do not have to rely on oil heat like we do in the Northeast, mark my words, without question, if we do nothing and oil heat price rises, natural gas prices will rise as well.

There are already supply problems. If we do not do it, people like me may start thinking about changing to natural gas. If we do, that puts further demand on diminished natural gas supplies. Those prices will be right behind us. And I will tell my colleagues, whether it is political or not, my hope is that every single politician in any one of us in the Frostbelt States makes this an issue, one way or the other; I am for it, I am against it.

I do not think, I have been involved with this since the day I got here. I do not think anyone who has argued for or against the Strategic Oil Reserve has said this is the only way to do it. We said there are a thousand things we can and should be doing and hopefully we will. This is one. This is the one that we can do immediately. Most of the others will take time.

For us to sit here and fiddle while the Northeast and the Midwest freezes is an insult to the people who have elected us.

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

Madam Speaker, I would just like to read from the CONGRESSIONAL RECORD of June 27, the Sherwood amendment printed in House Report 106-701 includes the text of H.R. 2884 as passed the House, includes provisions to reauthorize the Strategic Petroleum Reserve through 2003 and authorizes the Energy Department to buy oil from stripper wells and establish a regional home heating oil reserve in the Northeast. Agreed on by a record vote of 393-33. Nobody who voted then questioned what bill it was going to be put in.

Madam Speaker, I think we should take the will of the House, and it should have been in this report. And I think unless it is in this report, the report is flawed.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I appreciate my friend from Washington (Mr. HASTINGS) for yielding me the time and thank him for his management of this rule.

We filed this late last night, and I want to rise in strong support of it and the underlying conference report. And I want to congratulate the retiring distinguished gentleman from California (Mr. PACKARD), the former mayor of Carlsbad, who will go off and be doing all kinds of wonderful things as he leaves behind him this great work product.

I also want to congratulate the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

And I want to take just a few minutes to talk about a very important provision which is in this bill, which I have been working on for a number of years. It began in Southern California when the water quality authority, a group that came together to address the water challenges that we have there, found something called perchlorate in the groundwater. And perchlorate is a chemical which unfortunately has tremendous negative repercussions getting into the groundwater.

We worked hard to try and find out exactly what led to the perchlorate getting into the groundwater, and they discovered that it came from the legal disposal of spent rocket fuel during the military buildup during the Cold War during the 1950s and 1960s.

Many people, when this perchlorate was discovered, began pointing fingers and saying that somebody is responsible for this. One of the things that we found, Madam Speaker, is that there are many companies that were very important to the buildup during the Cold War that are no longer in business, and so it was easy to begin pointing fingers. Some of us said that we needed to solve the problem, and so that is why, when we look at the fact this is a national security issue, yes, it was first discovered in Southern California, but this has national repercussions.

It has national repercussions because the gentleman from Texas (Mr. SESSIONS), my friend, has been faced with the same problem.

□ 1045

There are people from other States of the Union who have found just recently the discovery of perchlorate in the groundwater. So I was very pleased that several months ago the gentleman from Pennsylvania (Mr. SHUSTER), the

chairman of the Committee on Transportation and Infrastructure, and the gentleman from New York (Mr. BOEHLERT), the subcommittee chairman, agreed to put together a hearing which was designed to specifically address this question.

We were able to utilize something I am very proud of, new technology; and we had a hearing of the Committee on Transportation and Infrastructure, the subcommittee that the gentleman from New York (Mr. BOEHLERT) chairs, which was able to include community activists from Southern California, people with the Water Quality Authority, and several of my colleagues who in a bipartisan way joined in introducing the authorizing legislation, H.R. 910.

They included the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. MARTINEZ) and others, the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. ROGAN), who have been very supportive of this effort.

Well, Madam Speaker, I am pleased that we have been able to include in this legislation in this conference report important funding to begin this to find a solution to this problem. It is a small amount of money. But it is a beginning. Again, it is one of the very serious environmental questions that we have.

So in passage of this conference report, we will in this Congress be taking a very bold step towards addressing a major environmental concern, not only for Southern California, but for the entire country.

I want to express my appreciation again to the gentleman from California (Mr. PACKARD). I would especially like to thank the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, who has been phenomenal in providing me with assistance in dealing with this.

Also, I want to express my appreciation to Chairman DOMENICI for his work on this and, as I said, the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Chairman BOEHLERT) for the effort that they have put together in helping us deal with an important problem that, as I said, impacts, it appears, Southern California right now but also the entire Nation.

So I urge strong support of this rule and support of the conference report.

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

Madam Speaker, my colleagues may recall that I applauded all that is in this bill. I am not taking anything away from my chairman. I think he did a masterful job in getting the money he got for that project, and it is well needed.

I am talking about what is not in the bill, and what is not in the bill is going to help protect the lives and safety of the people in the Northeast. Two years ago, we had an elderly couple freeze to death because they did not have money to buy fuel oil, and there was no reserve set up. We are trying to build against that so we will not have the same thing happen again.

I think it is very, very small for some people to play petty politics with this very, very important issue. Just because it affects the Northeast where maybe our Republican candidate is not doing too well and he can just "dis" it off. But there are human beings up there that are fighting for their lives, and probably some may lose their lives if the winter is as bad as some people predict.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the head of the Democratic Caucus.

Mr. FROST. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, we ought to be very clear about the game that the Republicans are playing right now. On the one hand, they are critical of the President for announcing that he is going to release oil from the Strategic Petroleum Reserve. In fact, they are even talking about filing a lawsuit or perhaps passing legislation to prevent the President from releasing oil from the Strategic Petroleum Reserve.

Yet, in this bill, they deleted the authority for the Strategic Petroleum Reserve. So on the one hand, they are saying, gee, the President does not have the authority. On the other hand, they are deleting the authority and not giving it to him. One cannot have it both ways.

Now they try and say, oh, well, it should be in another bill. We know that is a ludicrous argument late in the session. This is a bill that is moving forward. This is the opportunity to provide the authority to release oil from the Strategic Petroleum Reserve so that we can deal with home heating oil prices so that we can deal with the price of gasoline.

The facts are very clear. They do not want the President to have that authority so then they can say, well, he does not have it. So we are going to challenge his action. This is perhaps one of the most cynical actions that a legislative majority could possibly take.

Mr. MOAKLEY. Madam Speaker, will the gentleman yield?

Mr. FROST. Yes, I am happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Madam Speaker, is the gentleman from Texas aware this has been done 10 separate and distinct times under Republican leadership, and not one word of political chicanery was ever mentioned?

Mr. FROST. Madam Speaker, I am aware of the history. It just is ironic

that today one of the committees of this House under the leadership of a Republican chairman is criticizing the President for exercising this authority while the other Republicans are on the floor trying to prevent the President from having the authority.

Now, I cannot think of anything that is more cynical, any more than a legislative body could take to say, gee, he cannot do that, but we are sure not going to give him the authority to do it; so maybe then we can challenge his right to do it.

Madam Speaker, this is perhaps one of the worst pieces of energy policy that this majority has done in the last 6 years. I conclude my remarks. I think it is extraordinary what is happening today.

Mr. MOAKLEY. Madam Speaker, we had some other speakers, but we do not seem to have them here; and I guess the gentleman from Washington (Mr. HASTINGS) has no speakers, so I reluctantly yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will take this opportunity to remind all Members not to wear communicative badges while under recognition.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to repeat once again that all this discussion has been on home heating oil for the Northeast. I know that is a major issue for people who live up in that part of the country, but this is being addressed already in another bill where there is funding in the conference report that is working its way through. That is the proper venue for this.

I would like to make one other point because this is probably the first time that the issue has really been debated on the floor regarding the Strategic Oil Reserves. Part of the long-term solution, I want to emphasize the word "long-term solution," is obviously to try to find more sources to get petroleum. That has not been talked about. It certainly was not talked about at all here in debate.

I would like to cite one statistic. When we created the Department of Energy some 25, 30 years ago, it was a crisis. One of the reasons why we created the Department of Energy is, horror upon horrors, we were importing about one-third of our oil. So now here we are 25 years or so or more later and we are importing some 50 percent of our oil.

I would just contend, if it was a crisis some 25, 30 years ago to have a cabinet-level agency to look at our energy policies when we were only importing 30 percent, it certainly ought to be something that we look at right now. Obviously, part of the long-term solution is to find more sources for oil.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MOAKLEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 186, not voting 16, as follows:

[Roll No. 500]

YEAS—231

Aderholt	Everett	Lucas (OK)
Archer	Ewing	Manzullo
Army	Fletcher	Martinez
Bachus	Foley	McCrery
Baker	Fowler	McInnis
Ballenger	Franks (NJ)	McIntyre
Barr	Frelinghuysen	McKeon
Barrett (NE)	Frost	Meek (FL)
Bartlett	Gallely	Metcalf
Barton	Ganske	Mica
Bass	Gekas	Miller (FL)
Bentsen	Gibbons	Miller, Gary
Bereuter	Gilchrest	Mollohan
Berkley	Gillmor	Moore
Biggett	Gilman	Moran (KS)
Bilbray	Goode	Morella
Bilirakis	Goodlatte	Myrick
Blunt	Goodling	Napolitano
Boehlert	Goss	Nethercutt
Boehner	Graham	Ney
Bonilla	Granger	Northup
Bono	Green (TX)	Nussle
Brady (TX)	Green (WI)	Ose
Brown (FL)	Greenwood	Oxley
Bryant	Gutknecht	Packard
Burr	Hall (TX)	Pastor
Burton	Hansen	Pease
Buyer	Hastings (WA)	Peterson (PA)
Callahan	Hayes	Petri
Calvert	Hayworth	Pickering
Camp	Hefley	Pitts
Campbell	Herger	Pombo
Canady	Hill (MT)	Porter
Cannon	Hilleary	Portman
Carson	Hobson	Pryce (OH)
Chabot	Hoekstra	Radanovich
Chambless	Horn	Rahall
Chenoweth-Hage	Hostettler	Ramstad
Clyburn	Houghton	Regula
Coble	Hulshof	Riley
Collins	Hunter	Rogan
Combest	Hutchinson	Rogers
Cook	Hyde	Rohrabacher
Cooksey	Isakson	Ros-Lehtinen
Cox	Istook	Roukema
Crane	Jenkins	Royce
Cubin	Johnson (CT)	Ryan (WI)
Cunningham	Johnson, Sam	Ryun (KS)
Davis (FL)	Jones (NC)	Salmon
Davis (VA)	Kasich	Sandlin
Deal	King (NY)	Sanford
DeLay	Kingston	Saxton
DeMint	Knollenberg	Scarborough
Diaz-Balart	Kolbe	Schaffer
Dickey	Kuykendall	Sensenbrenner
Dicks	LaHood	Sessions
Dooley	Lampson	Shadegg
Doolittle	Largent	Shaw
Dreier	Latham	Shays
Duncan	LaTourette	Sherwood
Dunn	Leach	Shimkus
Ehlers	Lewis (CA)	Shows
Ehrlich	Lewis (KY)	Shuster
Emerson	Linder	Simpson
English	LoBiondo	Skeen

Smith (MI)	Thomas	Watkins
Smith (NJ)	Thompson (MS)	Watts (OK)
Smith (TX)	Thornberry	Weldon (FL)
Souder	Thune	Weldon (PA)
Spence	Tiahrt	Weller
Stearns	Toomey	Whitfield
Stump	Traficant	Wicker
Sununu	Upton	Wilson
Tauscher	Vitter	Wise
Tauzin	Walden	Wolf
Taylor (NC)	Walsh	Young (AK)
Terry	Wamp	Young (FL)

NAYS—186

Abercrombie	Hastings (FL)	Olver
Ackerman	Hill (IN)	Ortiz
Allen	Hilliard	Owens
Andrews	Hinchey	Pallone
Baca	Hinojosa	Pascarell
Baird	Hoefel	Payne
Baldacci	Holden	Pelosi
Baldwin	Holt	Peterson (MN)
Barcia	Hooley	Phelps
Barrett (WI)	Hoyer	Pickett
Becerra	Inslee	Pomeroy
Berman	Jackson (IL)	Price (NC)
Berry	Jackson-Lee	Quinn
Bishop	(TX)	Rangel
Blagojevich	Jefferson	Reyes
Bliley	John	Reynolds
Blumenauer	Johnson, E.B.	Rivers
Bonior	Kanjorski	Rodriguez
Borski	Kaptur	Roemer
Boswell	Kelly	Rothman
Boucher	Kennedy	Roybal-Allard
Boyd	Kildee	Rush
Brady (PA)	Kilpatrick	Sabo
Brown (OH)	Kind (WI)	Sanchez
Capps	Kleczka	Sanders
Capuano	Kucinich	Sawyer
Cardin	Lantos	Schakowsky
Clayton	Larson	Scott
Clement	Lee	Serrano
Coburn	Levin	Sherman
Condit	Lewis (GA)	Sisisky
Conyers	Lipinski	Skelton
Costello	Lofgren	Slaughter
Coyne	Lowe	Smith (WA)
Cramer	Lucas (KY)	Snyder
Crowley	Luther	Spratt
Cummings	Maloney (CT)	Stark
Danner	Maloney (NY)	Stenholm
Davis (LL)	Markey	Strickland
DeFazio	Mascara	Stupak
DeGette	Matsui	Sweeney
Delahunt	McCarthy (MO)	Tancredo
DeLauro	McCarthy (NY)	Tanner
Deutsch	McDermott	Taylor (MS)
Dingell	McGovern	Thompson (CA)
Dixon	McHugh	Thurman
Doggett	McKinney	Tierney
Doyle	McNulty	Towns
Edwards	Meehan	Turner
Etheridge	Meeke (NY)	Udall (CO)
Evans	Menendez	Udall (NM)
Farr	Millender-	Velazquez
Fattah	McDonald	Visclosky
Filner	Miller, George	Waters
Forbes	Minge	Watt (NC)
Ford	Mink	Waxman
Frank (MA)	Moakley	Weiner
Gejdenson	Moran (VA)	Wexler
Gephardt	Murtha	Weygand
Gonzalez	Nadler	Woolsey
Gordon	Neal	Wu
Gutierrez	Oberstar	Wynn
Hall (OH)	Obey	

NOT VOTING—16

Castle	Klink	Paul
Clay	LaFalce	Stabenow
Engel	Lazio	Talent
Eshoo	McCollum	Vento
Fossella	McIntosh	
Jones (OH)	Norwood	

□ 1116

Messrs. MCHUGH, HOLT, TAYLOR of Mississippi, QUINN, SWEENEY, REYNOLDS, and Mrs. KELLY changed their vote from "yea" to "nay."

Mr. LAMPSON changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PACKARD. Madam 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 tabular and extraneous material on the conference report to accompany H.R. 4733.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5130

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5130.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PASTOR. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PASTOR. Madam Speaker, this morning, as I was walking onto the floor, you reminded us that if we were going to speak on the floor that we could not wear any button that communicated a message.

I bring that to your attention because I ask what the rule is that, in the past, we have had Members speak on the floor while wearing such buttons.

In particular, yesterday I saw a number of Members that were wearing a button that communicated 90 percent. And this morning I was hoping to wear a button, but I was reminded by you that I could not.

The question is, what is the rule on wearing buttons on the floor while we speak, especially buttons that communicate a message?

The SPEAKER pro tempore. Clause 1 of rule XVII, which requires Members to address their remarks to the Chair, has been interpreted to proscribe the wearing of badges by Members to communicate a message while under recognition to speak by the Chair.

The Chair would direct the gentleman to page 693 of the House Rules and Manual for a recitation of precedents under this rule, some of which involve the Chair taking the initiative when the Chair observed their display while the Member was speaking.

The Chair will endeavor to be consistent in this enforcement and will use due diligence to call the attention of the Member to this rule.

Mr. PASTOR. Madam Speaker, I want to thank Madam Speaker for her comments.

Hopefully, maybe in the morning before we start, the Chair might remind us what the rule is on buttons that communicate a message.

The SPEAKER pro tempore. The Chair thanks the gentleman for calling that to the attention of the Chair.

CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Madam Speaker, pursuant to House Resolution 598, I call up the conference report on the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 598, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 27, 2000, at page H8312.)

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. PACKARD).

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

Mr. Speaker, I am pleased to present to the House the conference report on H.R. 4733, the fiscal year 2001 Energy and Water Development Appropriations Act.

At the outset, I would like to briefly state how pleased I am that the conference committee was able to work out the dramatic differences between the House and the Senate bills as amicably as we have and with a positive effect. Given the great divide over the House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences, but we did so in such a way that the critical priorities of the House were carefully protected.

I am proud of the agreement struck between the House and that Senate on energy and water resources development programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water program is \$23.3 billion. This is about \$1.6 billion over the amount included in the House-passed bill. The bill also includes \$214 million in emergency appropriations primarily to continue recovery operations at the Los

Alamos National Laboratory as a result of the Cerro Grande fire.

I am especially pleased with the level of funding we have recommended for the Civil Works program of the U.S. Army Corps of Engineers. At \$4.52 billion, the recommended funding is almost \$460 million higher than the administration's inadequate budget request. The majority of this increase, about \$350 million, is in the Corps' construction program. While that may sound like a large increase, the amount we have recommended is about the same as the amount the Corps will expend this year on construction. If we had funded the construction program at the level requested by the administration, the result would have been schedule delays, increased project costs, and the loss of project benefits.

In addition to providing more funding for ongoing projects, I am pleased that the conference agreement includes funding for a number of new construction starts.

For the Bureau of Reclamation we have provided \$816 million, which is \$10 million above the fiscal year 2000 level and \$24 million above the budget request.

Perhaps the most significant item is one that we did not fund, the Bay-Delta Ecosystem Restoration Program in my State of California. The administration had requested \$60 million to continue this program in fiscal year 2001. However, the authorization for the program expires at the end of this fiscal year; and as a result, neither the House nor the Senate included funding in their respective bills for this project.

The House authorizing committee reported the bill to reauthorize this program for fiscal year 2001; and as late as yesterday afternoon, we thought a compromise had been reached to permit the program to go forward. However, negotiations broke down when the Senate did not agree with the proposal. Accordingly, we have not funded it in this conference report.

For the non-defense programs of the Department of Energy, our top priority all year long was to provide adequate funding for the basic research programs of the Department. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will be even more important as we move into the 21st century.

I am pleased to report that additional allocations were received to enable us to fund these programs near the level requested by the administration. For renewable energy programs, I am pleased to report that we were able to provide about \$30 million over the House-passed level.

For the Atomic Energy Defense programs of the Department of Energy, the conference agreement includes

about \$13.5 billion. These funds will permit the Department to ensure that we have a reliable and safe nuclear weapons stockpile.

For the National Ignition Facility, we provided \$199 million. We are very concerned about the way this program has been managed in the past. However, we believe that the Department has assembled the management team and put in place the procedures that will enable the project to be successfully completed.

I need to point out to the Members of the House that when we were at conference this week, we received a letter signed by the President's chief of staff indicating that the President would veto the bill if a provision regarding the management of the Missouri River included in the Senate bill was not dropped in the conference. It was not dropped, incidentally, in the conference. I believe that this is the only item in the bill that the Senate actually voted on. Therefore, the provision was retained in conference.

I would point out that the President has signed this very same provision into law four times previously. I would hope that on the fifth time the President would not see fit to veto the entire bill over this one issue that he has agreed to in the past and would not allow a single issue to destroy months of hard work by the House and the Senate.

The conference agreement includes funding for many of the administrative initiatives, particularly in the Department of Energy's science programs, but also in a number of smaller programs that are important to the President.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his ranking minority member, Senator HARRY REID, for their cooperation and hard work in conferencing the bill. Moreover, I would like to express my sincere appreciation to my colleagues on the House Subcommittee on Energy and Water, whose devoted efforts have made this conference report possible.

I am especially grateful to my very good friend and the ranking minority member of the House subcommittee, the honorable gentleman from Indiana (Mr. VISCLOSKY), for his tremendous effort on behalf of this conference report.

□ 1130

Some last minute issues arose yesterday that had the potential to reopen our conference and not allow us to be here today and finish the work. His willingness to cooperate permitted us to complete our work, and I am deeply grateful for his cooperation.

I also want to thank our chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for their cooperation in enabling us to bring this conference report to the floor today.

I would be remiss if I did not express my sincere gratitude to all of the staff people who have worked on this conference report. They have given untireless effort to getting the conference report ready for this morning, and I sincerely want to thank them: Mr. Bob Schmidt, the clerk of the committee; Jeanne Wilson; Tracey LaTurner; Witt Anderson; Terry Tyborowski; Sally Chadbourne; and Rich Kaelin; and perhaps several others even on the Senate side that have helped us so much.

I believe the conference agreement is balanced and fair. I would urge the unanimous support of the House for its adoption. I would hope we could quickly conclude action on this conference report so we can get the bill to the White House before the new fiscal year begins.

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

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

Mr. Speaker, first of all, I would want to note for all of the Members in the Chamber that as we begin the debate on this conference report, this will also be the last time that the gentleman from California (Mr. PACKARD) will manage legislation on the House floor.

As I mentioned in my earlier remarks during House consideration of this legislation, we ought to all just take a moment to appreciate the fact that for over 4 decades, every day of every year of more than 40 years, the gentleman from California (Mr. PACKARD) has dedicated his life not only to his family, but to his country. We are richer for that. And given the experience I have had during the last 2 years of working closely with the gentleman from California (Mr. PACKARD) as my chairman, I certainly would emphasize to all of the Members of the House that the golf game of the gentleman from California (Mr. PACKARD) will certainly improve, not that it needs much improvement, in his retirement, his family will see him more often, but we will be the poorer of it.

Again, I would say to the gentleman from California (Mr. PACKARD), he has done a terrific job, and we ought to give him a hand.

Mr. Speaker, I want to also not only thank the gentleman from California (Mr. PACKARD) and the members of the subcommittee and full committee, but to thank those who are truly responsible for ensuring that this legislation is on the floor, and that is the staff connected with the committee, as well as the personal offices. I want to thank Nora Bomar, who is in the office of the gentleman from California (Mr. PACKARD); Terry Tyborowski; Carol Angier; Tracey LaTurner; Witt Anderson; Sally Chadbourne; Jeanne Wilson; Bob Schmidt; Rich Kaelin; and, as a former

associate staff person myself, all of the associate staff who worked so hard with the professional staff throughout the year to make this conference report a reality.

Before getting into the merits of the bill, I would also want to express my regret and apology to Members who feel that, for whatever reason, their requests were not met in this bill. While we did receive a larger allocation after conference, there clearly was more demand placed on us than ability to perform.

I do want to emphasize to Members that, regardless of which side of the aisle they were on, particularly on water projects, we tried to give everyone every serious consideration, every fair consideration, but clearly we could not do everything. I do regret that. I am sure that the gentleman from California (Mr. PACKARD) does as well. It was unavoidable.

During House consideration and consideration in the committee, I expressed concern that as far as this country's investment in infrastructure, we have fallen short; and while we have moved strongly in the right direction during conference on this bill, I would reiterate that, for myself, I do believe that we continue to under invest in economic infrastructure, and I would continue to use the Army Corps as an example of that failure.

There are \$30 billion on the active construction list that are authorized, that are economically justified, and that are supported by non-Federal entity. Most of those will, unfortunately, not be funded in this bill, because, again, of the squeeze of our allocation. There is \$450 million in backlog of critical deferred maintenance for next year alone, and the Corps estimates they need \$700 million per year to permit projects to move forward on their most efficient schedule.

The administration asked for a new initiative on recreational facility modernization, and the money was not available to do that. The administration asked for the Challenge 21 Riverine Exploration Program to begin, and there was not enough money for that.

Generically, in constant dollars, we have seen expenditure on these kinds of projects to decline from 1996 of \$5 billion to approximately \$1.7 billion during the 1990s in constant dollars. So while we have improved this bill and increased funding for economic infrastructure, I think, generically, this institution and the administration has not paid enough attention to this critical need.

I would also want to advise Members that while I am going to vote for this bill, they should all, as a matter of information, understand that the President has threatened to veto this bill because of a paragraph included in the Senate relative to a master water con-

trol manual for the Missouri River that is being developed by the Army Corps of Engineers.

Relative to the House mark, the Army Corps of Engineers will have an additional \$395 million, and I think that is a vast improvement. I am also happy that the compromise struck in the conference raised the dollars to the House level relative to the regulatory programs that the Corps has to undergo. That figure is \$125 million.

I would note, however, for the record that because of additional regulatory requirements that the Corps has now undertaken, as well as additional reporting requirements that we will be imposing on the Corps in this bill, it is my belief today that the Corps remains \$6 million short.

I warn Members that I hope we do not see a self-fulfilling prophesy; and that is during the debate on these new regulations and requirements the suggestion was this was going to slow down permitting process nationally, well, if you do not give an agency the required monies, that is not a possibility. It would not in this case be the Army Corps' fault.

We had a debate during House consideration as far as monies set aside for civilian science. That number is higher today than it was in the House, and in fact is \$356 million higher.

Finally, we had an amendment in debate on renewable energy. The figure in this conference is \$422 million. That is \$59 million greater than when the bill left the House, but I would also note for the information of Members that it remains \$30 million below the President's request. Again, I have these iterations essentially for the information of Members.

It has been a pleasure to work with the gentleman from California (Chairman PACKARD). This is a good bill, I support it, but I do want Members to be fully informed before their vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the two gentleman bringing this bill to the floor have done a fine job. The gentleman from California (Mr. PACKARD) is a fine Member of this institution, and I am going to hate to see him leave his post. The gentleman from Indiana (Mr. VIS-CLOSKY) is also an extremely fine Member. But I am not going to vote for this bill, and I want to explain why.

This bill is the product of the total and utter collapse of the budget process. That collapse came about as a result of the adoption of a budget resolution last spring which pretended that domestic spending priorities could be squeezed to the bone, far below the level that everyone understood would actually be producible by this Congress, and under that resolution the House then proceeded to debate and pass all 13 appropriation bills. We spent

the entire summer working on those bills. Many of those bills passed by the narrowest of margins because of concerns expressed on both sides of the aisle over the lack of adequate resources being provided and most of them to fund government activities.

Now, suddenly, in the last inning, in the middle of September, only a few weeks before the beginning of the fiscal year, that budget resolution has been thrown out. Discipline has been thrown out. Now we are told that we should ignore all decisions that were made in early morning and late night sessions throughout the spring and summer to produce radically different bills.

The new guidelines that we have been given by the Republican leadership are to spend up to 10 percent of the unified budget surplus of nearly \$280 billion. That was first interpreted to mean about \$28 billion. Later Republican leaders revealed that, relative to the budget passed last spring, they would permit \$41 billion of the surplus to be spent. But you need to understand that really means close to \$80 billion. Here is why.

The surplus is only spent when the funds actually leave the Treasury. Most appropriations for discretionary programs do not result in all of the money leaving the Treasury in the fiscal year for which they are provided. They are spent later. So, on average, only half of the appropriated funds leave the Treasury in any give year, and, for some programs, less than one-tenth of the appropriated funds result in funds leaving the Treasury during that same fiscal year. As a result, that \$40 billion in spending can be leveraged into an expenditure of up to \$80 billion, and, if you really twist the numbers, you could squeeze even more than \$80 billion in additional spending into the budget.

That is why this bill now can come to the floor almost \$2 billion above the level of the same bill passed by the House in the summer, and \$800 million above the level requested by the President.

Now, the leadership is arguing that the reason this has to be done is to reach compromise with the President because they do not want him to veto the bill. Well, if you take a look the statement of administration policy for this bill when this bill was reported in mid-June, almost \$2 billion lower in spending than the bill now before us, you do not find in that eight-page statement the word "veto." The President would have signed that bill as it stood in June.

The problem that we have here is that the \$2 billion that has been added to this bill was not for him, it was for Members of this body, and this is not the only bill where that is happening. The problem is that I might be willing to vote for this money if I knew what was going to happen in some of the

other bills, but we are being told, for instance, that in the Labor, Health and Education conference, that we cannot add to the amount that has been agreed to by the majority in that conference. So there is no room in the budget for additional funding above the level that the Republican Party has laid out for the Labor, Health and Education programs, and yet they have room to put \$2 billion of additional money in for this program.

I am not willing to vote for that added money in this bill, if it means that it is going to be squeezed out of education or out of health or out of worker protection programs. Those are not my priorities.

If we have to choose, and we should have to choose, there should be some limits, there should be some context, there should be some discipline; but the problem is that there is none, because under the new rules under which we are now proceeding in this rush to get out of town, the only people who know what the spending limits are are a few staffers in the leadership offices of the majority party. The problem is that they change the rules every 2 or 3 days.

So at this point, by voting for the additional \$2 billion in this bill, I do not know what consequences there are for other programs in the budget that, to me, are of higher priority. That is why I am not going to vote for this bill.

I mean no criticism of either of the gentleman, and I certainly mean no criticism of the gentleman from Florida (Mr. YOUNG), the full committee chairman.

□ 1145

But this process by which decisions are made arbitrarily by a few staffers on instruction from a few other staffers in the House leadership office disenfranchises rank and file members of the Committee on Appropriations. And if we doubt that, take a look at what is happening in all the other conferences. Those rank and file members are not in those conferences.

It also disenfranchises the vast majority of members of both parties in this House. That is not the fault of the Committee on Appropriations. In the end, the committee, the way this place works, will take the heat for it, but it is not the fault of the Committee on Appropriations. They are simply following the orders of their leadership.

So the result is we have institutional chaos, no discipline, no real understanding of what the rules are, and no context in which to judge whether the amount of money being put in these bills is responsible or not.

That is why, and I mean no criticism of these two gentlemen, but that is why I intend to vote against this bill. Because this is a lousy way to run a railroad, and it is a lousy way to run a legislative body that is supposed to be

the greatest legislative body in the world.

Mr. PACKARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the very distinguished gentleman from California (Mr. PACKARD), chairman of the subcommittee, for yielding me this time. I wanted to say to the gentleman, and I know it is not appropriate to direct a comment directly from one Member to another without going through the Chair, so, Mr. Speaker, let me say to the gentleman from California through the Speaker that he has been an outstanding member of the Committee on Appropriations, an outstanding Member of the House of Representatives, and he has been a dynamic chairman on the subcommittees on which he has chaired over the last 6 years.

I would say that one way that a chairman of a committee can be successful in getting the job done is to have outstanding subcommittee chairmen. The gentleman from California (Mr. PACKARD) certainly fits that bill. He is, and has been, an outstanding subcommittee chairman.

Also, he has been a very good friend to this chairman, and I think to most everybody in this House Chamber. So, Mr. Speaker, I want the gentleman to know how much we are going to miss him, and I regret his decision to retire voluntarily from the United States Congress.

Mr. Speaker, I want to compliment the gentleman from California (Chairman PACKARD) and also the gentleman from Indiana (Mr. VISCLOSKEY), the ranking minority member, for having brought this bill to the floor. It has not been an easy task. There have been many, many differences on this bill. There are many Members who have requests for projects in the bill that did not make it. They did not make it, not because they were not important projects, not because they were not necessary, but because we were trying to be as fiscally conservative as we could possibly be. I know that there are several Members who are looking for another opportunity to have their projects considered.

But the idea that the gentleman from Wisconsin (Mr. OBEY) spoke to just a moment ago, that he would not support this bill because he was not sure what would be done in some other bill, well, that is not the way the process works. Mr. Speaker, we have 13 separate bills. I would say to and remind my colleagues that the House of Representatives has passed all 13 of our bills. And I cannot say that often enough. And we passed them at lower spending levels than the White House or many Members of the minority side wanted.

If my colleagues recall, we spent hour after hour, day after day on some

of these bills dealing with amendments to add more billions of dollars, and we fought off successfully most of those amendments, realizing that there was only a certain amount of money that we ought to spend.

Just because there is a \$230 billion surplus out there, we do not have to spend it all. In our homes, in our personal lives, in our businesses, and in our government, at a time of great prosperity, we pay down some of our bills that have been haunting us for months or years before. That is one of the things that we are committed to doing in this Congress, pay down some of those debts.

Mr. Speaker, we have paid in the last 2 years nearly half a trillion dollars on the public debt that this Nation owed. That is good news, and it is good news for this reason, Mr. Speaker: it is good news because we have had to pay a substantial interest payment on the national debt. \$250 billion is a good round figure to estimate what the interest payment on the national debt was last year and would be this year.

Can my colleagues imagine how many schools we could build? School construction is a big issue. How many schools could we build with \$250 billion that we are now paying out as interest on the national debt? How many highways could we build or bridges could we build? How much more advantage could we give to our veteran population in medical care? In some areas veterans have to wait in line to get their medical care because the demand is greater than the supply available.

So, it is important that we have fought off some of these big spending amendments. I found it really ironic yesterday when I read a statement by the President of the United States scolding Congress for being a "big spending Congress." Well, up until just the last couple of weeks, he was scolding us for not providing all of the money that he wanted for all of his programs. He cannot have it both ways. There he goes again. On the one hand he is scolding us for not spending enough; on the other hand he scolds us for spending too much.

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, the gentleman brought up the subject I wanted to discuss and that was the news accounts last night where I saw the President criticizing the majority for wanting to spend too much money. I have been in on some of the negotiations. The gentleman from Florida has been in all of them. In every instance that I have been involved in we have been trying to hold down the growth in spending; and the President's representatives ought to go see the President and see what he was talking about, because the representatives he

has negotiating these appropriation bills with us are insisting that we spend more money, that we increase the size of government. Yet the President very clearly last night on the news account indicated that we were trying to hold him hostage so we could spend more money.

I am glad the gentleman from Florida clarified that, because I was confused. I thought maybe I had fallen asleep in some of those meetings.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman from Alabama for those comments.

I think it is important that our colleagues know this. We have been very diligent in communicating with the White House and the President's staff, and the Office of Management and Budget, to do the best we could to accommodate the wishes that they had within our strong desire to keep the budget balanced and to pay down a substantial amount on our national debt.

Anyway, Mr. Speaker, we are at this point. This bill should be decided on its own merits. We should not vote for this bill or against this bill because of what may or may not be in some other appropriations bill. This is a good bill, and all of the minority members signed the conference report except for the gentleman from Wisconsin (Mr. OBEY), so I think that is an indication that this is a pretty decent bipartisan appropriations bill.

Again, I congratulate the gentleman from California (Chairman PACKARD) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKEY), for bringing a good bill to this floor; and I thank the gentleman for yielding me this time.

Mr. VISCLOSKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. PASTOR), a member of the subcommittee.

Mr. PASTOR. Mr. Speaker, first of all, I would like to congratulate the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member, for bringing to the floor a good bill. I know that we have worked on it. We worked on it very hard, and we are able to have a good conference. I will support the bill and ask other Members to support it.

I would like to thank the staff. I would like to thank the gentleman from Indiana for working with all of us, as well as the gentleman from Florida.

People of Arizona in Maricopa County and in Pima County want to thank the committee for the fine work they have allowed to be funded in terms of habitat restoration and the studies that will rehabilitate the environment.

I would like to take a moment to thank the gentleman from Florida (Chairman PACKARD). He has been very fair and willing to work things out

with all of us. I want to thank him for the way he treated this Member. I wish him the best. Sorry to see him go, but I wish him the best in his retirement.

Mr. PACKARD. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. LATHAM), a valued member of the subcommittee.

Mr. LATHAM. Mr. Speaker, I want to join in congratulating the gentleman from Florida (Mr. PACKARD), our subcommittee chairman, on a great job this year. It is only indicative of the job he has done for so many years in this Congress, and I think we all know that he will be sorely missed next year.

I would like to just address one issue that is in this bill that is of extreme importance to Iowa and the States along the Missouri River. Apparently, the President and the Vice President have threatened a veto over this issue.

Mr. Speaker, this has to do with the Missouri River flow. Mr. Speaker, apparently our memories are very, very short. No one is going back to 1993 with the tremendous flooding that we had in the Midwest. At that time, if the policies that President Clinton and Vice President GORE wanted to put in place had been in place, we would have dramatically increased the amount of flooding along the Missouri River, all the way down to the lower Mississippi River basin.

This is a direct threat to the lives and property of people who live along the Missouri River. It is extraordinary that when the Vice President comes out of Iowa and asks for our support, or Nebraska, or Missouri, or any of the States below the junction of the Missouri and Mississippi Rivers, that he would want to compound a tremendous flooding potential.

It is not only a matter of lives and property; it is a matter of economic necessity that we maintain navigation on the Missouri River. It is going to dramatically increase the cost to agriculture as far as our inputs are concerned, and it is going to dramatically reduce the price even further of our grains as we try to export them down the river. What it is going to do is make the railroads absolutely king, with no competition in the upper Midwest.

One other issue that is not talked about is the reduced generating power of the dams upstream during the low flow that they are proposing in the middle of the summer.

Mr. Speaker, it is a matter of life, property, economic viability for anyone along the Missouri River or the lower Mississippi. It is something that is wrong in their position, and we have to maintain the position that is in the bill. And I would really ask anyone, when the Vice President comes out and asks for support, how he can put the lives of our citizens in jeopardy by supporting this outrageous proposal that they are threatening a veto over.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises the gentleman from Indiana (Mr. VISCLOSKEY) has 14½ minutes remaining, and the gentleman from California (Mr. PACKARD) has 12½ minutes remaining.

Mr. VISCLOSKEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a member of the full committee.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for his kind consideration. I also want to express my respect and appreciation to the gentleman from Florida (Mr. PACKARD), chairman of the subcommittee, and the gentleman from Florida (Mr. YOUNG), chairman of the full committee as well. I am a great admirer of their work and certainly of their personal qualities.

This bill, however, is a different matter all together. The bill suffers from serious and dramatic deficiencies. First of all, with regard to the need to bring our country more closely into a condition of energy independence, the bill fails. It is \$32 million less than what the President requested for alternative energy and energy conservation.

Now, I wish that the President had requested more than that, but the very least that this bill could do is to meet the request laid out by the President of the United States and recognize the need to move our country closer to a situation of energy independence.

We are now importing 53 percent of the oil that we use every single day for transportation and for heating of our homes, businesses, and industries. This is a deplorable situation. This is a matter of strategic interest and strategic concern.

□ 1200

I can only conclude that this is a conscious decision. Why? Because it is not a matter of money. The bill adds \$2 billion to that which was in the bill when it left this House. So it is not a question of funding.

It is a question of establishing priorities. We could use a substantial portion of that \$2 billion to move us away from our dependence upon people who wish us ill in the Middle East. In fact, this bill plays into the hands of several leaders who wish this country ill, Middle Eastern leaders who control the oil spigot, because it increases our dependence on foreign oil. That is one of the deficiencies.

Another deficiency is that the bill fails to reauthorize the Strategic Petroleum Reserve and fails to authorize a strategic home heating oil reserve for the northeastern part of this country.

We have heard that those provisions may be in another bill, another bill coming out of another subcommittee. But at this moment, we have no reason

to have any confidence in those pronouncements. Why? Because that subcommittee, the Interior Subcommittee, the conferees of that subcommittee are allegedly meeting somewhere in this Capitol, somewhere, allegedly. Now I say allegedly because I am one of the conferees.

I am one of the conferees, and I do not know where that conference is meeting, nor do almost all of the other conferees, whether they are Democrats or Republicans. These meetings, if they are being held, are being held clandestinely.

This is a bill that suffers seriously in its deficiencies, and for those reasons, it ought to be defeated.

Mr. PACKARD. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from New York (Mr. HINCHEY).

Mr. Speaker, this bill is \$60 million on alternative fuels more than last year's, so we have not neglected that area. We have raised it even from where it was as it passed out of the House.

Mr. HINCHEY. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Speaker, I appreciate what the gentleman just said, and I think that that is a very good procedure and the right direction, but is it not true that the bill appropriates an additional \$2 billion for a variety of unknown works, and that it is \$32 million below the requests for energy conservation and alternative energy as requested by the President; is not that true?

Mr. PACKARD. Reclaiming my time, the \$2 billion figure has been thrown around several times today. It is an inaccurate figure. We have increased the funding for this bill to the tune of \$1.6 billion, not \$2 billion. But the fact is we have readdressed the alternative fuel issue, and we have increased it substantially this year over last year. That is moving in the right direction and in the direction the gentleman has addressed.

Mr. HINCHEY. But it is \$32 million less than the President requested.

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of the Subcommittee on Energy and Water Development.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from California (Chairman PACKARD) very much for his great work. I, too, want to join my colleagues in extending to the gentleman the very best. Three words come to mind when I think of the gentleman from California (Mr. PACKARD) as to the style in which he operates, one is temperament and another patience and the third is attentiveness. The gentleman ranks high on all three of those.

Again, my thanks also to the gentleman from Indiana (Mr. VISCLOSKEY), the ranking Member and the staff that contributed so much to this bill.

Let me just say that this is a good bill. It is a good conference report. It exercises a proper balance between spending for the Nation's important water, energy and national security projects while still maintaining adequate fiscal restraint. Furthermore, the bill sets aside a sizable amount of money, sizable amount of the budget surplus to go towards paying down the Federal debt.

As we all know, the Nation is facing a period of exceptionally high energy prices. Unfortunately, the Clinton-Gore administration has decided to tamper with our national security by releasing oil from our Strategic Petroleum Reserve instead of correcting what can only be called their antienergy policy of the last 8 years.

Mr. Speaker, this measure takes some of the necessary steps toward bringing a proper balance to our national energy mix. It provides for a variety of important research and development projects that I hope will deliver some of the break-through technologies to fuel America's future energy needs.

It is clear that electricity is the source that drives our burgeoning information economy, and we need to recognize that nuclear power now provides over one-fifth of our total electric demand. Along these lines, this bill provides vitally required funding for nuclear energy research under the NERI, the NEPO and the NEER programs; and it enhances the ability of the Nuclear Regulatory Commission to perform its mission. And nuclear technology provides more than just power. Nuclear technology right now is being used to take excess weapons material and making it available for life-saving cancer treatment.

It likewise keeps the Department of Energy on its path towards completing nuclear cleanup as some of the Nation's old cold war weapon sites by the year 2006, and it funds the development of the Yucca Mountain spent fuel repository.

The measure also invests in fusion as a future energy source, and it addresses the need to bring ever-greater computing capabilities through the advanced scientific computing research initiative to our national laboratories and universities. Finally, in addition, the vital water infrastructure projects that the Corps of Engineers performs are, I believe, sufficiently addressed.

Mr. Speaker, I thank the gentleman from California, the chairman of the subcommittee for yielding me the time.

Mr. VISCLOSKEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the full committee.

Ms. KILPATRICK. Mr. Speaker, let me first thank the gentleman from California (Mr. PACKARD), the chairman of the Subcommittee on Energy and Water Development for his leadership and for working with us as we try to work together to serve the people of America. I thank the gentleman very much and I wish him well in his retirement.

And I would like to thank our ranking member, the gentleman from Indiana (Mr. VISCLOSKEY), for his work in yielding time to me this morning.

Mr. Speaker, I voted for this bill, as some 400 others did as it went through the House in June, June 28, I do believe. At that time we thought it was a good bill, needed improvement, but we were willing to work with the chairman and our ranking member to see that we can address America's problems.

The Interior bill should have included, and did not, a provision that the Strategic Petroleum Reserve would be used in the case of an emergency. The Interior bill did not have that in the House. It did not have that in the Senate. This House passed a bill that would give the President authority to release those reserves in an emergency. Mr. Speaker, unfortunately, that bill has not been acted on in the Senate.

The Committee on Appropriations took action to put an amendment on this bill that would give our President the authority, should he need it, to release those reserves. This House adopted that amendment, as well as one that said that the Northeast Corridor could also secure the oil reserves they need.

We are now 2 days from a new fiscal year, and much more than that or, just as important, we are on our way in the Midwest and the Northeast part of our country in a severe weather winter season.

Mr. Speaker, this bill has stricken the language for the Strategic Petroleum Reserve, and I think that is unfortunate. It has also stricken the language that would help the people in the Northeast meet their heating bills. At a time when our economy is booming, we find many people on fixed incomes, seniors, who will not have the dollars it will take to heat their homes; families who will not have the dollars they will need to send their children to school from a heated healthy home.

Mr. Speaker, I think it is unfortunate 2 days before the new fiscal year ends that we have not approved permission to our President to release the oil reserves.

It is important with 2 days left that we act for the people of the Midwest, for the people of the Northeast Corridor who are about to embark on the winter season, when they do not have the resources. Oil prices are high. It is unfortunate that since we announced and since the President acted on releasing some of the 30 million barrels

of oil that oil prices have begun to come down now because this Congress is not acting, because we have stricken the language in this bill.

Oil prices are on the way up. Now why is that? The demand is high. Can we not as Members of Congress do what we need to do to make sure, A, the President has the authority, B, that oil prices begin to come down, and that people on fixed incomes, middle-income people with families have the right to heat their homes and drive their cars to get back and forth to their employment with oil reserves that this country can make available to them.

Mr. Speaker, I appreciate the work of the gentleman from California (Mr. PACKARD) and the work of the gentleman from Indiana (Mr. VISCLOSKY). It did not get in the Interior bill. We passed it in this full House. We ought to do it today. I urge my colleagues to adopt it.

Mr. PACKARD. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), a member of the full committee.

Mr. WAMP. Mr. Speaker, I want to commend the gentleman from California (Chairman PACKARD), who is just simply a class act. He will be sorely missed here. He is a real gentleman and a credit to this institution. I want to commend the staffs on both sides of the aisle. They are professionals, specifically Bob Schmidt, the staff director, an excellent job. I do not think there is a staffer on the Hill who is more thorough, efficient, fair or tougher than Jeanne Wilson, I thank her. I thank Eric Mondero and Nora Bomar for their cooperation.

Thousands of Tennesseans work in national security, science, and environmental management every day on behalf of our country. The Department of Energy needs oversight. We need to be tough with them. We need to hold them accountable. This committee does both. They fund them, but they hold them accountable.

This bill is the product of both of those things. We thank our colleagues for the priorities that they set to carry out the critical missions of national security, major science investments for future generations, and environmental cleanup. The work this bill will do in those areas is the best product in the last 6 years that this Congress has passed out, but it comes with tough love and oversight of the Department of Energy, which is very needed. A job well done, everyone should support this conference report.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN) and would point out that his work on the Brays Bayou flight control project and the Houston Ship Canal has been critical.

Mr. BENTSEN. Mr. Speaker, I appreciate the comments of the gentleman from Indiana (Mr. VISCLOSKY), the

ranking member. I also want to congratulate the gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development for his work and for putting together an extremely good bill.

Mr. Speaker, I strongly support this bill, and I want to point out three items that are in it. First, the bill fully funds for the second consecutive year the Brays Bayou project which runs through my congressional district, that affects tens of thousands of homeowners, the Texas Medical Center, the largest medical center in the world and Rice University, all in my district. This is part of a new authorization that the gentleman from Texas (Mr. DELAY) and I worked on and had passed, that gives more local control. And we think this is going to be a very good project for the taxpayers and for providing public safety.

It also fully funds the Simms Project, which runs in part through my district. And it fully funds the Port of Houston project, which is an ongoing project which will continue economic growth in our area. Most particularly, it includes legislative authorization for barge lanes along the Houston Ship Channel project that I and others have been working on trying to get for the last year and a half.

This will enhance the barge business in our districts but also provide great safety. So I appreciate it.

In closing, let me say I strongly support this bill. I think it is a well-done bill. It would be very good for Texas and for the Nation.

Mr. Speaker, I rise in support of H.R. 4733, the FY 2001 Energy and Water Appropriations Conference Report. Chairman RON PACKARD, Ranking Member PETER VISCLOSKY, and all other conferees deserve recognition for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the conferees to provide the U.S. Army Corps of Engineers with vital funding to continue their work in the areas of flood control and navigational improvement. This funding is necessary for the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in and around my district are on accelerated construction schedules, full funding by the conferees leads to expedited completion at great savings to the taxpayers and reduced threat to public safety.

I am very pleased with the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. H.R. 4733 provides vital federal assistance to flood control projects in the Houston area on Brays, Sims, Buffalo, Hunting and White Oak bayous. I am confident these projects will safeguard tens of thousands in my district from flood waters and safeguard taxpayers from potential disaster relief expense.

Mr. Speaker, I have the privilege of representing Harris County, one of the original

sites for a demonstration project for a new federal reimbursement program which was authorized by legislation introduced by Representative TOM DELAY and myself as part of the Water Resources Development Act (WRDA) of 1996. Much of the flood control project design, contracting, and maintenance in my district is undertaken by an extremely competent local agency, the Harris County Flood Control District, which is at the forefront of integrated and effective watershed management. This unique program strengthens and enhances Corps/Local Sponsor relationship by giving the local sponsor a lead role and providing for reimbursement by the federal government to the local sponsor for the traditionally federal portion of work.

I am most gratified that the conferees, for the second consecutive year, decided to fully fund the Brays Bayou project at \$6 million for FY '01. This project will improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County including tens of thousands of homeowners in the floodplain and the Texas Medical Center and Rice University by providing three miles of channel improvements, three flood detention basins, and seven miles of stream diversion resulting in a 25-year level of flood protection. Originally authorized in the Water Resources Development Act of 1990 and reauthorized in 1996 as part of a \$400 million federal/local flood control project, over \$16.3 million has already been appropriated for the Brays Bayou Project. It is important that the Congress fully fund its match now that the local sponsor has approved the final design.

I am also gratified that the conferees decided to fully fund the Sims Bayou project at a level of \$11.8 million. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. Authorized as part of the 1988 WRDA bill, the Sims Bayou project consists of 19.3 miles of channel enlargement, rectification, and erosion control and will provide a 25-year level of flood protection. The Sims Bayou project is scheduled to be completed two years ahead of schedule in 2004.

Flood control projects are necessary for the protection of life and property in Harris County, but improving navigation in our Port an integral step for the rapid growth of our economy in the global marketplace. Therefore, Mr. Speaker, I am very pleased that this legislation provides the full \$53.5 million for continuing construction on the Houston Ship Channel expansion project. I also commend the Committee for including legislative language directing the Corps of Engineers to design and construct new barge levees in the Houston Ship Channel as part of the deepening and widening project. I and others have worked very hard over the last year and a half to obtain this authorization to ensure that the increasingly important barge traffic can be conducted safely and without disruption. Upon completion, this entire project will likely generate tremendous economic and environmental benefits to the nation and will enhance one of our region's most important trade and economic centers.

The Houston Ship Channel, one of the world's most heavily-trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than \$5 billion annually and providing 200,000 jobs.

The Houston Ship Channel expansion project calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. Besides the economic and safety benefits, the dredged material from the deepening and widening will be used to create 4,250 acres of wetland and bird habitat. I congratulate the conferees on continuing a project supported by local voters, governments, chambers of commerce, and environmental groups.

I sincerely thank the conferees, Chairman, and Ranking Member for their support and I urge my colleagues to support this legislation.

Mr. PACKARD. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California (Mr. PACKARD) for yielding me the time.

Mr. Speaker, I rise in strong opposition to the conference report before the House. We are supposed to be considering an appropriations conference report today. Instead, what we have before us is a legislative outrage.

Mr. Speaker, who knew that instead of funding energy and water programs this year, we would be bailing out the nuclear industry to the tune of hundreds of millions of dollars. Well, that is exactly what this bill does, by dramatically changing the fee structure that the industry pays to the Nuclear Regulatory Commission.

That is not all. Who knew that not only would we be funding the Department of Energy this year, but we would be legislating major changes to the agency that safeguards our nuclear secrets? That is right. This conference report contains substantial amendments to the National Nuclear Security. The NNSA has not been doing such a great job in the last year, does anyone really think that legislative on the fly like this is going to improve our nuclear safety?

It is conference reports like this, Mr. Speaker, that have gotten the American people sick and tired with Washington politics. Mr. Speaker, I urge my colleagues to vote against the conference report.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), who also has been indispensable in working on the Houston Ship Channel Project.

Mr. GREEN of Texas. Mr. Speaker, I hope we quickly pass this conference report and send it on to our colleagues in the Senate and hopefully the President will sign this vital piece of legislation.

Mr. Speaker, I want to thank the gentleman from California (Chairman PACKARD) not only for this particular bill, but the service to our Nation for many years, and thank the gentleman from Indiana (Mr. VISCLOSKY), our ranking member, along with the conferees for the work on this report.

Mr. Speaker, I especially want to thank the gentleman from Texas (Mr. EDWARDS), my colleague and friend, for his dedication and hard work and especially appreciate his advice during this process.

□ 1215

Because of the vision of the conference committee and the Subcommittee on Energy and Water Development, the Houston-Galveston Navigation project will receive \$53.5 million needed to continue the construction schedule for the deepening and widening of the Houston Ship Channel including the safety effort in barge lanes.

The continued expansion of the Port of Houston is important on many levels. More than 7,000 vessels navigate the ship channel each year. The port provides \$5.5 billion in business revenue and creates indirectly and directly 196,000 jobs.

It is anticipated that the number and size of vessels will only increase. So this important project is definitely needed for, not only for the port, but for the city of Houston and Harris County.

In addition to the Houston Ship Channel, there are several other flood control projects that the Army Corps of Engineers, in partnership with the Harris County Flood Control, have undertaken.

The Hunting Bayou project and the Greens Bayou project will protect many square miles of watershed and provide protection for hundreds of homes.

Mr. Speaker, again, citizens of Houston and Harris County appreciate the work of the conference committee and our Subcommittee on Energy and Water Development.

Mr. PACKARD. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from California (Mr. PACKARD) for yielding me this time. Mr. Speaker, I, too, compliment him on his work. I particularly rise to thank him for including the ongoing funding for the Brevard County Beach project.

The historical record supports that, prior to the creation of Port Canaveral by the Army Corps of Engineers, the beaches in Brevard County were grow-

ing. The creation of that port was in order to stimulate commerce but as well to support the Navy's ballistic missile program, clearly a program that benefited us in our ability to win the Cold War that accrued to the benefit of every American.

The disruption of the natural flow of sand from north to south by the creation of that port has contributed to a heavy degree of erosion. The Federal Government is recognizing that. I compliment the gentleman from California (Mr. PACKARD) and all the conferees for their support of ongoing funding for this project and the need to badly redress the critical problem of beach erosion there.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Indiana (Mr. VISCLOSKY) has 5½ minutes remaining. The gentleman from California (Mr. PACKARD) has 5½ minutes remaining.

Mr. VISCLOSKY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise because of my great concern that within this bill is the reauthorization for the Energy Policy and Conservation Act. But missing from it is the language which would authorize the President to deploy the Strategic Petroleum Reserve or to create a regional home heating oil reserve on a permanent basis. When this bill left the House, it was in. As it comes back from the Senate, it is gone.

Now, I know that there are some people, George Bush, who is saying it is 45 days before the election. I understand his perspective. But for those of us in the Northeast and the Midwest, we have a different perspective. We think it is 45 days before winter.

We think the President should have the authority to create a regional home heating oil reserve on a permanent basis, to have a trigger in it that is a definition that he can use to deploy it, that is flexible so that we can deal with the fact that two-thirds of all the home heating oil in the world is really consumed in the northeastern part of the United States, and that ultimately there can be this depressing impact upon the price of crude oil.

Since last Wednesday when this discussion began in the Clinton-Gore administration, the price of oil has dropped \$6 a barrel, from \$38 down to \$32, which is good for the consumers.

Now, yesterday the chairman of the energy subcommittee, the Republican chairman, said that he was going to introduce a bill that prohibited the President from using the Strategic Petroleum Reserve. He said he did not think it was an emergency.

Of course, down in Texas, they have another phrase for this kind of a situation. They call it a profit-taking opportunity, and it is for the oil companies.

They are tipping people upside down and shaking money out of their pockets.

This bill should contain the authorization for the Strategic Petroleum Reserve and for the regional home heating oil reserve which is so critical for the Northeast and Midwestern part of the country.

Now, people say that we should not use it. Nero fiddled while Rome burned. They could have sent over some firehoses to kind of do something about it, but he just decided to fiddle away, and Rome was lost. Noah could have listened to the fish, not built an ark. The fish say, no problem. The higher the water gets, the better it is for us.

Kind of like the oil companies. You do not need this ark of a Strategic Petroleum Reserve for everybody else, for the human beings. They can just pay higher prices.

So this bill is severely deficient, lacking the authority to protect American consumers from these skyrocketing outrageous energy prices. As a result, this bill should be rejected.

Mr. POMEROY. Mr. Speaker, the Energy and Water Appropriations Conference Report provides critical funding for many important water projects in my state of North Dakota. Under the bill we will be able to provide a clean, reliable water supply to communities across North Dakota and on the reservations. We will be able to continue work on the construction of a permanent flood control project to protect the city of Grand Forks. Finally, we will be able to continue preconstruction, engineering and design of an emergency outlet to relieve flooding in Devils Lake.

However, while I will be supporting the conference report, I strongly object to language included in the conference report that would prevent the Corps of Engineers from moving forward to revise the Missouri River Master Manual. Today, the Army Corps of Engineers is managing the Missouri River on the basis of a manual that was adopted in the 1960s. Under the manual, the Corps manages the river by trying to maintain steady water levels through the spring and summer to ensure there is always enough water to support barge traffic downstream. Unfortunately, under this management system, navigation has been emphasized on the Missouri River to the detriment of upstream interests, including recreation, which is much more important now than it was in 1960. The projections on barge traffic used to justify the manual have never materialized and have actually declined since its peak in the late 1970s.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of a \$90 million annual recreation impact upstream, versus a \$7 million annual navigation impact downstream. The Corps has proposed to revise the master manual to increase spring flows, known as a spring rise, once every 3 years in an effort to bring back the river's natural flow and reduce summer flows every year.

The President has indicated that he intends to veto the conference report because of this

provision. If the conference report comes back to the House with this provision in it, I will vote to sustain the President's veto. I firmly believe the Corps should not be stopped in their efforts to revise and update the manual.

Mr. MATSUI. Mr. Speaker, I rise to thank the Chairman of the Energy and Water Appropriations Subcommittee Representative RON PACKARD and the Ranking Member, Representative PETER VISCLOSKEY, and the conferees for their support of Sacramento flood control projects included in the FY 2001 Energy and Water Appropriations Conference Report. Flooding remains the single greatest threat to the public safety of the Sacramento community, posing a constant risk to the lives of my constituents and to the regional economy. Thanks to your efforts and the efforts of this Committee, Sacramento can continue to work toward improved flood protection.

With a mere 85-year level of protection, Sacramento remains the metropolitan area in this nation most at risk to flooding. More than 400,000 people and \$37 billion in property reside within the Sacramento flood plain, posing catastrophic consequences in the event of a flood. While Congress will continue to consider the best long-term solution to this threat, funding in this bill will provide much needed improvements to the existing flood control facilities throughout the region.

I am grateful that the Committee was able to find the necessary resources to provide funding for the Folsom Dam Modifications under the Army Corps of Engineers New Starts construction account. This project is crucial to the public safety of the residents in the Sacramento flood plain. The funding allotted will be used to make modifications to the outlet works on Folsom Dam, improving its flood control efficiency, and allowing more water to be released earlier during storms that cause flooding. These improvements represent the first significant enhancements to Sacramento's flood control works in roughly 50 years, and will boost its level of flood protection to approximately 140-years.

Also, this legislation provides funding that allows for the continuation of levee improvements and bank stabilization projects along the lower American and Sacramento Rivers, increasing levee reliability and stemming bank erosion. Additionally, I greatly appreciate the Committee's willingness to provide funding for projects—including the Strong Ranch and Chicken Ranch Sloughs, and Magpie Creek—aimed at preventing flooding from a series of smaller rivers and streams that present substantial threats separate from those posed by the major rivers in the region. Importantly, the Committee's willingness to include funding for the American River Comprehensive Plan will allow for ongoing Corps of Engineers general investigation work on all area flood control needs, including a permanent long-term solution.

Again, I am thankful this Committee has recognized the grave danger confronting Sacramento and by this funding has signaled a willingness by the federal government to maintain a strong commitment to the community. On behalf of my constituents, I am grateful for your support in helping to address this perilous situation.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 4733, the FY 2001 Energy and

Water Appropriations Conference Report. Chairman RON PACKARD, Ranking Member PETER VISCLOSKEY, and all other conferees deserve recognition for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the conferees to provide the U.S. Army Corps of Engineers with vital funding to continue their work in the areas of flood control and navigational improvement. This funding is necessary for the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in and around my district are on accelerated construction schedules, full funding by the conferees leads to expedited completion at great savings to the taxpayers and reduced threat to public safety.

I am very pleased with the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. H.R. 4733 provides vital federal assistance to flood control projects in the Houston area on Brays, Sims, Buffalo, Hunting and White Oak bayous. I am confident these projects will safeguard tens of thousands in my district from flood waters and safeguard taxpayers from potential disaster relief expense.

Mr. Speaker, I have the privilege of representing Harris County, one of the original sites for a demonstration project for a new federal reimbursement program, which was authorized by legislation introduced by Representative TOM DELAY and myself as part of the Water Resources Development Act (WRDA) of 1996. Much of the flood control project design, contracting and maintenance in my district is undertaken by an extremely competent local agency, the Harris County Flood Control District, which is at the forefront of integrated and effective watershed management. This unique program strengthens and enhances Corps/Local Sponsor relationship by giving the local sponsor a lead role and providing for reimbursement by the federal government to the local sponsor for the traditionally federal portion of work.

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I am also gratified that the conferees decided to fully fund the Sims Bayou project at a level of \$11.8 million. This project is necessary to improve flood protection for an extensively developed urban area along Sims

Bayou in southern Harris County. Authorized as part of the 1998 WRDA bill, the Sims Bayou project consists of 19.3 miles of channel enlargement, rectification, and erosion control and will provide a 25-year level of flood protection. The Sims Bayou project is scheduled to be completed two years ahead of schedule in 2004.

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The Houston Ship Channel, one of the world's most heavily-trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than \$5 billion annually and providing 200,000 jobs.

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I also commend the committee for including legislative language directing the Corps of Engineers to design and construct new barge lanes in the Houston Ship Channel as part of the deepening and widening project. I and others have worked very hard over the last year and one-half to obtain this authorization to ensure that the increasingly important barge traffic can be conducted safely, without spills, and without disruption.

I sincerely thank the conferees, Chairman, and Ranking Member for their support and I urge my colleagues to support this legislation.

Mr. SMITH of Washington. Mr. Speaker, I would like to thank the conferees for their excellent work in bringing this Energy and Water Appropriations Conference Report to the floor today.

It is my understanding that the conference report under consideration provides \$125 million for the regulatory program account of the Corps of Engineers for fiscal year 2001—an increase of \$8 million above the FY00 appropriation for this program. This funding is necessary for the Corps to carry out its permit-related responsibilities pertaining to navigable waters and wetlands under the Clean Water Act, the Marine Protection Research and

Sanctuaries Act, and the 1899 Rivers and Harbors Act.

I am pleased that the conferees have added these important funds in an effort to help address the growing backlog of permit applications in need of Corps review and decision. In my district and State, there is increasing concern about the number of permits that are awaiting final agency action, a number more than double what has been achievable in recent years. This growing permit backlog is unnecessarily delaying projects that are vitally important to local and regional economies. I believe the Corps must redouble its efforts to reduce this permit backlog to more reasonable levels as expeditiously and professionally as possible. I am confident that this is the intention of the conferees when they added \$8 million to the regulatory program account.

I also expect the Corps to review its current program procedures and to revise those procedures through streamlining, partnering with other public entities, or other appropriate measures that will expedite permit review and decision without jeopardizing the quality of that review and decision or the interests of the public.

Again, I thank the conferees for taking real steps to address this crucial need and I look forward to working with my colleagues to ensure that the Corps effectively reduce the current permitting backlog.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the conference report to H.R. 4733, the Energy and Water Development Appropriations bill for fiscal year 2001.

I want to thank Chairman PACKARD for his hard work on producing this important bill.

This conference report will appropriate funding to the Army Corps of Engineers providing for the design and construction of necessary flood control projects throughout our Nation. These projects offer our constituents and communities the protection against the devastation that flooding has on human life and property.

In fact, my constituents in Elmsford and Suffern, New York, have and continue to suffer from the flooding of the Saw Mill and Ramapo Rivers.

In 1999, when Hurricane Floyd dropped more than 11 inches of rain on my congressional district, my constituents were faced with flood waters that destroyed homes and businesses and created severe financial stress.

After observing the destruction in my district first-hand, I contacted the U.S. Army Corps and Chairman PACKARD for assistance.

Accordingly, Chairman PACKARD has provided the Army Corps with \$750,000 for each of these flood projects, the Saw Mill River and the Ramapo-Mahwah Flood Control projects, to begin the phases necessary to prevent such destruction in the future.

I look forward to continuing my work with the chairman as the flood control process in both Elmsford and Suffern proceeds.

Once again, I thank Chairman PACKARD for his diligence and work on this important measure, and I urge our colleagues to support this conference report.

Mr. HASTINGS of Washington. Mr. Speaker, I want to take this opportunity to thank Chairman PACKARD for his commitment to fully fund the Office of River Protection and include increases in many vital Hanford cleanup projects in my district.

The Office of River Protection is a congressionally created office in the Department of Energy that is responsible for "managing all aspects" of the River Protection Project, the world's largest and most challenging environmental cleanup project. The \$377 million in total available funds the conference report provides for the River Protection Project Vitrification facility and \$383 million for the tank feed delivery and tank farm operation portion is critical to ensure that the project remains on schedule.

The conference report will also allow for the continued timely placement of eight retired plutonium reactors along the Columbia River at the Hanford site, into an interim safe storage (ISS) mode. The continuation of the accelerated schedule funding will allow these reactors to be cocooned by the end of FY 2003, 6 years ahead of schedule saving the American taxpayer more than \$14 million. \$950,000 of this increase will go directly to ensuring the preservation of the world's first nuclear reactor, The B reactor, which I hope to see opened one day as a museum.

I also support the additional \$12 million for the successful cleanup of the Spent Fuel Project in the K-basins and the additional \$7 million provided for the stabilization of plutonium at the Plutonium Finishing Plant included in the conference report. The Spent Nuclear Fuel Project is a first of its project the will safely move 2,100 metric tons of irradiated nuclear fuel away from the Columbia River beginning this November. The additional \$7 million for the PFP will allow current operations allowing for the continued disposition of over 1800 metric tons of Uranium as well as the deactivation of highly radioactive hot cell facilities.

Further, I appreciate the Committee's support of \$720,000 for the Pasco Shoreline Rivershore project. These dollars are necessary to initiate and complete plans and begin construction on this vital project.

I also appreciate the committee's support of language to ensure that no cleanup funds will be diverted from the Hanford site for the implementation of the Hanford Reach National Monument. While many in my community are split on the issue of a National Monument all of us agree that cleanup at Hanford must not be affected by this decision.

Finally, I want to thank Chairman PACKARD for his excellent work throughout his tenure in Congress and especially his time as chairman of this important subcommittee. America is truly a better place because of his work and his leadership will be truly missed by all of us.

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

Mr. VISCLOSKEY. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 301, nays 118, not voting 14, as follows:

[Roll No. 501]

YEAS—301

Abercrombie	Fattah	Manzullo
Aderholt	Filner	Martinez
Armye	Fletcher	Mascara
Baca	Foley	Matsui
Bachus	Forbes	McCarthy (NY)
Baird	Ford	McCrery
Baker	Fossella	McHugh
Ballenger	Fowler	McInnis
Barcia	Franks (NJ)	McIntyre
Barr	Frelinghuysen	McKeon
Barrett (NE)	Frost	Meek (FL)
Bartlett	Gallegly	Menendez
Barton	Ganske	Metcalfe
Bass	Gekas	Mica
Becerra	Gephardt	Millender
Bentsen	Gillmor	McDonald
Bereuter	Gilman	Miller (FL)
Berkley	Gonzalez	Miller, Gary
Berry	Goode	Miller, George
Biggert	Goodlatte	Mink
Bilbray	Gordon	Mollohan
Bilirakis	Goss	Moore
Bishop	Graham	Murtha
Blagojevich	Granger	Napolitano
Blunt	Green (TX)	Nethercutt
Boehrlert	Gutknecht	Ney
Bonilla	Hall (OH)	Northup
Bonior	Hall (TX)	Norwood
Bono	Hansen	Nussle
Borski	Hastings (WA)	Ortiz
Boucher	Hayes	Ose
Boyd	Hayworth	Packard
Brady (PA)	Hergert	Pastor
Brown (FL)	Hill (IN)	Pease
Bryant	Hill (MT)	Pelosi
Burr	Hilleary	Peterson (MN)
Burton	Hilliard	Peterson (PA)
Buyer	Hinojosa	Phelps
Callahan	Hobson	Pickett
Calvert	Hoeffel	Pitts
Camp	Hoekstra	Pombo
Canady	Hooley	Pomeroy
Cannon	Horn	Porter
Capps	Houghton	Price (NC)
Carson	Hoyer	Pryce (OH)
Chambliss	Hulshof	Quinn
Clayton	Hunter	Radanovich
Clement	Hutchinson	Rahall
Clyburn	Hyde	Regula
Coble	Isakson	Reyes
Collins	Jackson (IL)	Reynolds
Combest	Jackson-Lee	Riley
Condit	(TX)	Rivers
Cooksey	Jefferson	Rodriguez
Costello	Jenkins	Roemer
Cox	John	Rogers
Cramer	Johnson (CT)	Rohrabacher
Crane	Johnson, E. B.	Ros-Lehtinen
Crowley	Jones (NC)	Roukema
Cummings	Kaptur	Roybal-Allard
Cunningham	Kasich	Sanchez
Danner	Kelly	Sandlin
Davis (FL)	Kildee	Sawyer
Davis (IL)	Kilpatrick	Saxton
Davis (VA)	King (NY)	Scarborough
Deal	Kingston	Schakowsky
DeGette	Knollenberg	Scott
DeLay	Kolbe	Serrano
Diaz-Balart	Kuykendall	Sessions
Dickey	LaFalce	Shaw
Dicks	LaHood	Sherwood
Dixon	Lampson	Shimkus
Dooley	Lantos	Shows
Doolittle	Latham	Shuster
Doyle	LaTourette	Simpson
Dreier	Leach	Sisisky
Duncan	Lee	Skeen
Dunn	Levin	Skelton
Edwards	Lewis (CA)	Slaughter
Ehlers	Lewis (GA)	Smith (NJ)
Ehrlich	Lewis (KY)	Smith (TX)
Emerson	Linder	Smith (WA)
English	Lipinski	Snyder
Etheridge	LoBiondo	Souder
Evans	Lofgren	Spence
Everett	Lucas (KY)	Spratt
Ewing	Lucas (OK)	Stabenow
Farr	Maloney (NY)	Stark

Strickland	Thornberry	Watts (OK)
Stump	Thune	Weiner
Stupak	Tiahrt	Weldon (FL)
Sweeney	Trafficant	Weldon (PA)
Tanner	Turner	Weller
Tauscher	Udall (CO)	Whitfield
Tauzin	Udall (NM)	Wicker
Taylor (MS)	Visclosky	Wilson
Taylor (NC)	Vitter	Wise
Terry	Walden	Wolf
Thomas	Walsh	Woolsey
Thompson (CA)	Wamp	Wu
Thompson (MS)	Watkins	Young (FL)

NAYS—118

Ackerman	Hefley	Payne
Allen	Hinchee	Petri
Andrews	Holden	Pickering
Archer	Holt	Portman
Baldacci	Hostettler	Ramstad
Baldwin	Inslee	Rangel
Barrett (WI)	Istook	Rogan
Berman	Johnson, Sam	Rothman
Biley	Kanjorski	Royce
Blumenauer	Kennedy	Rush
Boehner	Kind (WI)	Ryan (WI)
Boswell	Kleczka	Ryan (KS)
Brady (TX)	Kucinich	Sabo
Brown (OH)	Largent	Salmon
Campbell	Larson	Sanders
Capuano	Lowe	Sanford
Cardin	Luther	Schaffer
Castle	Maloney (CT)	Sensenbrenner
Chabot	Markey	Shadegg
Chenoweth-Hage	McCarthy (MO)	Shays
Coburn	McDermott	Sherman
Conyers	McGovern	Smith (MI)
Cook	McKinney	Stearns
Coyne	McNulty	Stenholm
Cubin	Meehan	Sununu
DeFazio	Meeks (NY)	Tancredo
Delahunt	Minge	Thurman
DeLauro	Moakley	Tierney
DeMint	Moran (KS)	Toomey
Deutsch	Moran (VA)	Towns
Doggett	Myrick	Upton
Engel	Nadler	Velázquez
Frank (MA)	Neal	Waters
Gejdenson	Oberstar	Watt (NC)
Gibbons	Obey	Waxman
Goodling	Olver	Wexler
Green (WI)	Owens	Weygand
Greenwood	Oxley	Wynn
Gutierrez	Pallone	
Hastings (FL)	Pascrell	

NOT VOTING—14

Clay	Klink	Paul
Dingell	Lazio	Talent
Eshoo	McCollum	Vento
Gilchrest	McIntosh	Young (AK)
Jones (OH)	Morella	

□ 1242

Messrs. RANGEL, HASTINGS of Florida, BRADY of Texas, WEYGAND, TOWNS, COOK, GREEN of Wisconsin, HOLT, and Ms. VELÁZQUEZ changed their vote from “yea” to “nay.”

Ms. KAPTUR changed her vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4461) making appropriations for Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR
Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Miss KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4461 be instructed to hold a full and adequate public meeting at which managers have the opportunity to debate and vote on all matters in disagreement between the two Houses, and be instructed to fully resolve all differences between H.R. 4461 and the Senate amendment as part of this conference.

□ 1245

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from Ohio (Ms. KAPTUR) will be recognized for 30 minutes and the gentleman from New Mexico (Mr. SKEEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Ms. KAPTUR).

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

Mr. Speaker, this is a very important motion to instruct for members of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, of which I am ranking member. But it goes beyond just the need of our particular subcommittee.

We have 13 appropriations bills that we must pass in this Congress in order that the Government of the United States be allowed to operate. The Republican leadership of this institution, 3 days before the end of this fiscal year, has not completed work on but two of them, which means that we have 11 bills hanging out there that are not complete. Our bill is one of them.

What we understand might be happening to us is that, in spite of the fact that we in the House operated under regular order and passed our bill over 60 days ago, now, 2 days before the end of the fiscal year, we are told that conferees are going to be appointed.

Now, may I remind the membership that a year ago conferees were also appointed but then we never met. What I am very concerned about and the purpose of this motion to instruct is that we ask that full and open conference committee hearings be held at which managers have the opportunity to debate and vote on all matters in disagreement between the two Houses and

that we be instructed to fully resolve those differences and that this not be done behind closed doors by a couple of the top leaders of this institution.

We are very, very worried that the House provisions, for example on prescription drugs and the ability of the American people to obtain safe pharmaceuticals from nations like Canada, may be jerked from the bill and, unless we have an opportunity to fight in an open forum for our amendments and to resolve our differences with the other body, that that issue may all of a sudden just disappear.

And so I want to explain to the Members that, if they vote for the motion to instruct, they are voting to give us the opportunity to deal with the prescription drug issue on the table in public with all members of our subcommittee participating.

The issue of sanctions, and no one has fought harder to bring that issue before us to allow American firms to sell their products around the world than the gentleman from New York (Mr. SERRANO). That is another issue that, unless we meet together in open, public conference committee hearings, could be jerked from our bill and we would not know who would do it but all of a sudden it would disappear.

So this motion to instruct says we want to be able to hold the House position on sanctions, we want an open conference committee meeting, and we do not want a few people in this institution to take our rightful responsibilities away from us, as has happened before.

Finally, in the important area of disaster assistance, we are hearing all kinds of rumors. Our committee is the one charged with the responsibility of meeting the emergency needs of America's farmers and ranchers.

I do not think that people who necessarily come from just one or two districts who may happen to be the leaders of this institution should have the right to tinker around with those provisions without the full participation of the members of our committee who represent the farmers and ranchers across the wide spectrum of industries in this country, whether it is dairy, whether it is grains, whether it is livestock. It does not matter what it is. All those concerns need to be aired publicly in an open conference committee meeting.

So the purpose of this motion to instruct is to say we do not want any hanky-panky; we want to be able to conduct our business under regular order. We are very concerned based on our inability to get clear answers over the last several weeks and now, even worse, over the last few days. We do not want our bill to be stuck on some other bill and then we not have the opportunity to deal with the issues that are there and that we have worked so hard on in this Congress.

And again just three of them: prescription drugs and the ability of the American people to obtain those pharmaceuticals at competitive prices even if those drugs come from Canada or from Mexico and they are safe and marked so according to our Food and Drug Administration; the issue of sanctions, whether it is Cuba, whether it is Libya, whatever country we are talking about, we want the ability to debate that in our subcommittee; and finally, the level of disaster and emergency assistance to our farmers.

We do not want to leave anybody out. If they are out there in the country, they have tried to earn a living and they have been hurt by the present economy, we do not want a few deal makers to write our bill for us behind closed doors.

So the purpose of this motion to instruct is to ensure regular order in this institution and not to disenfranchise our Members.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), our very, very distinguished ranking member of the full committee, for further elaboration. And I want it thank him from the bottom of my heart for being a voice for our subcommittee and for the rights of our members, every single one of them, to participate in open conference committee deliberations.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, what I want to say is directed to one simple question: How much self-respect does each and every individual Member of this body possess? Does every one of the 435 Members who belongs to this body believe that they have a right to participate in the process by which major decisions are made, or do they believe that year after year these major decisions, especially if they are politically difficult, will be made by a few people in a room somewhere? That is the issue.

Now, the way this place is supposed to do business is that the President's budget comes down to the floor each year, it is divided into 13 appropriation bills for discretionary spending, and one by one those subcommittees containing members who specialize in these issues and actually, lo and behold, know something about them, are supposed to deal with these issues on a bill-by-bill basis.

The gentleman from New Mexico (Mr. SKEEN) has spent years developing an expertise on agriculture. So has the gentlewoman from Ohio (Ms. KAPTUR) and every other member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies has spent hours and hours learning to do their craft.

And yet, what is now happening? We have a lot of major issues in this bill. We have the issue of Cuba. We have the

issue of what kind of embargo policy we are going to have and how that is supposed to impact on our ability to export agriculture products. We have issues involving agriculture conservation. We have issues involving emergency disaster payments and all the rest.

Those issues ought to be decided by the people who are a member of the committee that knows something about them. But we have been told in the last day or so that there is a new game plan floating around, and that game plan calls for all of these issues to be solved at a staff level with an occasional consult with a member.

And then the agriculture bill is supposed to be dumped into the transportation appropriations bill and the conferees who will actually bring that bill to the floor would be the members of the transportation subcommittee.

Well, I do not know how many members of the transportation subcommittee know a Guernsey from a Holstein, but I bet the gentleman from New Mexico (Mr. SKEEN) does.

It seems to me, therefore, that every single Member of this House who respects the rights of rank and file Members to decide what ought to happen on these issues, and every Member of this House who has a reverence for what this institution is supposed to be and a reverence for some semblance of context, process, and order so that we know what we are doing as we do it, it seems to me every single one of them would vote for this motion to instruct regardless of party.

The only reason, the only reason that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies might not be allowed to make these decisions is because the majority party leadership has a problem. They lost two votes on this House floor on the issue of agriculture exports and the Cuban embargo and so they want to reverse by fiat what the House did; and so they are, in the process, willing to run roughshod not just over the Committee on Appropriations, not just over the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, but over the right of every single Member in this House to know who they are supposed to talk to if they want to get their two cents' worth in about resolving these issues. That is what is at stake here.

What is at stake here is whether this is still a body of 435 people who belong to committees who develop expertise on these issues or whether we are just going to have this whole House run by an anonymous set of staffers with a few general dictates laid out by their bosses with no ability of the House to really shape the choices that we will be asked to vote on.

That is why, regardless of party, this motion ought to be supported.

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

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), a distinguished member of our subcommittee.

Mr. BOYD. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the time.

Mr. Speaker, I first want to say what a deep and abiding respect that I have for the appropriations team that has developed and passed 13 appropriations bills off the House floor, our ranking member, the gentleman from Wisconsin (Mr. OBEY); ranking member on the subcommittee, the gentlewoman from Ohio (Ms. KAPTUR); my dear friend, the gentleman from Florida (Mr. YOUNG), chairman of the full committee; and the gentleman from New Mexico (Mr. SKEEN), ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

I sit on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, as the gentlewoman from Ohio (Ms. KAPTUR) said, and have worked hard to understand the issues in the bill and to have some input into them.

Some issues I won, and some issues I lost. I understood that was the democratic process and the process of the rules that we govern ourselves by in this House.

□ 1300

I assumed that we would move forward and have a vote on the House floor and some we would win and some we would lose. I want to remind, Mr. Speaker, the rank and file Members and our constituents that the House and the Senate passed this appropriations bill out of their respective Chambers over 60 days ago, before we broke for the August recess. Under the rules, normally you would think after you pass a bill like that and you have differences that you would have a conference on that. Well, we were noticed this morning that the leadership of this body is thinking about appointing conferees over 60 days later. Now we are 2 days from the end of the fiscal year.

I understand there are problems, that there are differences on the Cuba embargo and there are differences on the prescription drugs, but that is why the Members of this Chamber were elected, to resolve those differences. The people of this Nation understand those two issues and the people they sent up here to represent them understand them. Let the body work its will. Let us have an up and down vote. Those are two very important issues.

Obviously the Cuba thing is important, more important to the State of Florida than it is to some other States. So what is wrong with having the

Members of the United States House of Representatives who were elected and sent here to decide those issues have a vote on that? What is wrong with letting them have a vote on the prescription drug issue, the reimportation issue which is another hang-up in this bill that the gentleman from New York (Mr. CROWLEY) and the gentleman from Vermont (Mr. SANDERS) have so ardently advanced. It is an issue which is very important to our constituents. I do not understand this process where we are going to bottle things up and we are going to have some staff in the back room with occasional consultation with a couple of Members make these decisions and then you have an up and down vote later on. I think the conference is designed to resolve those issues and we ought to follow the regular order and let the conference work.

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

I want to thank our very able subcommittee member the gentleman from Florida (Mr. BOYD) for speaking out on behalf of the entire rights of the House and the Members of the House as well as the needs of agriculture. We could not have a harder working member of our subcommittee.

I also wanted to say, Mr. Speaker, that there are many issues that we want to resolve in open dialogue with our colleagues in the other body. What is at issue? Rules that expand opportunities to import prescription drugs from countries where prices are lower. This is of interest to every single family in America. What we do not know is if our bill gets rolled into the transportation bill, what provisions get selected, if any, unless we have an open dialogue in full conference with our colleagues in the Senate. The House provisions? The Senate provisions? No provisions?

We are very concerned about that. In addition to that, the design of and funding levels for emergency assistance to deal with drought, with floods and with disastrously low prices around this country. We know we have a terrible situation where even under current law many farmers and ranchers who have been harmed do not get any help. How are we going to try to deal with that in the conference committee? Who do we trust but a broad array of Members to represent the various segments of agriculture in our country in open conference hearings?

Several of the Members have talked about the trade sanction issue that would affect the shipment of food and medicine from our country and the circumstances under which future sanctions can be imposed, whether it is Cuba, whether it is nations in Africa, whether it is nations in the Middle East. These are all issues that are highly charged and ones that we really believe we should be able to dialogue with our colleagues in the other body.

We have not even had a chance to do that.

Also, funding levels for meat inspection and other food safety inspections that are so critical at the Food and Drug Administration and the Department of Agriculture. Frankly, I just do not want some leader who may be from Mississippi in the other body picking a funding level. Our Members have a right to participate in those discussions. They have worked for over a year on this bill. They have a right to be heard. All of the issues dealing with concentration and anticompetitive practices in today's agricultural markets, all those issues are in this bill. These are vital to agriculture in America. What is going to happen to those provisions when there are disagreements between the House and the Senate? Who is going to decide, particularly if we are rolled into a transportation bill where our Members are muzzled and have no ability to participate in the dialogue?

The funding for our programs for the elderly, our nutrition programs for the elderly, our nutrition programs for women, infants and children. All these are on the table. All of the funding levels for our conservation programs, our natural resource programs and certainly our rural development programs. All these programs require the involvement of our Members in full and open conference.

Mr. Speaker, in carrying out the responsibilities of our subcommittee this afternoon, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), an extremely able member of our subcommittee who singlehandedly was able to assure that the fruit and vegetable growers of our country got recognition in this bill.

Mr. HINCHEY. Mr. Speaker, I want to thank the ranking member of our subcommittee, the gentlewoman from Ohio, for allowing me the opportunity to speak on this bill.

I want to say, first of all, it gives me no pleasure whatsoever to find myself criticizing the appropriations process at this late stage of this Congress. Both the chairman of the Committee on Appropriations and the chairman of this subcommittee, the gentleman from Florida (Mr. YOUNG) and the gentleman from New Mexico (Mr. SKEEN), have been great gentlemen and efficient and effective leaders throughout the process. However, now, at the end of the session, we find ourselves in a position where all that has gone before us is now in the process of being corrupted and lost. Why? Because the normal procedure of conference committees meeting together and resolving important differences between the House bill and the Senate bill has been abandoned. It has been abandoned and in its place we have people who are in

some cases faceless and unknown making decisions that affect the constituencies of virtually every Member in this House.

Furthermore, important amendments which were adopted on the floor of this House have been and are in danger of being removed from specific appropriations bills of specific subcommittees as a result of this corruption of the normal and effective process. That is something that I do not believe every Member is aware of, and I think they would be deeply concerned to the extent that they become aware of it.

So the motion to instruct that we have before us is in every sense a sensible and reasonable initiative. It simply says the conference committees ought to meet. Decisions about specialty crops which are important to a number of Members here, apples and other specialty crops, decisions affecting those specialty crops ought to be made by the elected Members of the House of Representatives in conference. Specific decisions with regard to the importation of prescription drugs, which is an important part of this agricultural bill, ought to be made by the elected representatives of the House in conference, duly appointed. That is not happening under the present system and under the present process that we have. Those decisions and others are being made by people apparently who are not elected and to the extent that we have elected people in the room, it is only a handful of the normal conferees.

Now, that is not the way we ought to be doing business. These are critically important issues. We were elected to come here in this House of Representatives and resolve these issues on behalf of the people of the United States from the point of view of our various constituencies. We are being denied that right.

Now, I know that the chairman of the subcommittee does not condone this. I know that the chairman of the committee as well as the subcommittee, neither of those chairmen condone this process. But the process is occurring nevertheless. And the only way that we can change this process, the only way that we can alter it, the only way that we can get back on the right and appropriate track in this particular context is to pass this motion to instruct.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY) who has absolutely moved this prescription drug issue into center stage in our country. We thank him for his participation today and we thank the voters of New York for sending such an able Member to us.

Mr. CROWLEY. I thank the gentlewoman from Ohio for her kind remarks.

Mr. Speaker, I rise in strong support of the motion to instruct. This process

needs to be an open process. The people of both houses have spoken on a myriad of issues that should not be hidden behind closed doors and vetted out by the leadership alone. Whether it is the issue of Cuba and sanctions or the issue that is very near and dear to my heart and to many Members of this body's heart, the issue of the reimportation of prescription drugs. If you are going to appoint conferees, then let them do the work. Let them meet. Do not pull the ultimate charade by appointing conferees and then go behind closed doors and letting the leadership itself work out or take out, more appropriately, take out issues that they do not want to have in final passage.

It was the Crowley amendment that got the ball rolling again and jump-started much of the work that was started by my good colleague and friend from Vermont (Mr. SANDERS) and others on the issue of the reimportation of prescription drugs. It is too important and vital an issue to Americans in this country, senior and nonseniors alike, but to most importantly senior citizens, that they have the opportunity to purchase prescription drugs at least at the same rate that their Canadian and Mexican counterparts are purchasing those drugs at. If this is taken out of the agricultural bill, seniors in my district and across this country will not see a reduction in their price of prescription drugs anywhere between 30 and 50 percent. If we do not do this, seniors will continue to struggle.

In and of itself reimportation is not enough, but it is the first step. We need to do more. We need to pass a prescription drug measure under the Medicare system. But by passing this provision, we will be going a long way to reducing the overall cost of prescription drugs.

Do not hide behind closed doors. Meet in conference. Let the conferees meet. Let all of us vote on this very, very important issue.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee who has worked diligently all year and whose voice should be allowed to be heard in full conference and open public hearings.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion to instruct. We were promised that in this Congress under this Republican leadership that the trains were going to run on time. Well, not only has the train not run on time, it has completely derailed. To tell members of any committee that they are not even able to sit as a conferee on their own bill in fact undermines the credibility of this House. It is an affront to each and every Member. This does not protect the decisions that were made by the members of the subcommittee. I am a member of this subcommittee. I take the job very, very seriously. This con-

ference report was negotiated in the dead of night by a few members of the Republican leadership behind closed doors.

Let me say that we worked hard with our colleagues on the other side of the aisle up until this point, the gentlewoman from Ohio and the gentlemen from New York, California, and Florida and myself, we were engaged. My God, we have been left out of the process. This is not a democracy. This is capitulation.

Do you know what is in this bill? Vital things, incredibly important to people in this country. The prescription drug reimportation piece of it is vital to our seniors.

□ 1315

It says we are going to bring down the cost of prescription drugs to people in this country, to seniors in this country.

Sanction reform for our farmers, it says let our farmers sell their products overseas, alternative fuel source, food stamps, nutrition programs for women and children, help for hard-working families and their families.

Connecticut leads New England in farm income, in fruit, and milk production. As a Member of Congress, it is my responsibility to represent my constituents. This report denies my constituents a chance to be heard.

Too much is at stake. Let us allow the conferees to sit down, to review the issues, to make their determinations. Let them do their job. When you lock Members of this House out of the conference, when a handful of people decide to cast votes, then you shut my constituents out of this process. That is not the message that this House needs to be sending.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Vermont (Mr. SANDERS), who has moved the issue of prescription drugs and fair pricing to all Americans to center stage.

Mr. SANDERS. Mr. Speaker, I thank my good friend for yielding me time. I appreciate and congratulate her on the work she does as the ranking member, and the gentleman from New Mexico (Mr. SKEN) on the work he does.

Mr. Speaker, there is not much I can add to what the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Connecticut (Ms. DELAURO) have already said. There is a lot in the agricultural appropriations bill which concerns me, but the issue that concerns me most is something that I have been working on for the last 14 months, and that is an effort to substantially lower the cost of prescription drugs in this country.

I made a trip with folks from northern Vermont over the Canadian border over a year ago, and what we discovered on that trip is that prescription drugs could be purchased in Canada for

substantially lower prices than they are in the United States. The widely prescribed breast cancer drug Tamoxifen was selling in Canada for one-tenth the price that it sells in the United States.

In fact, at a time when the pharmaceutical industry last year saw \$27 billion in profits, they are charging the American people by far the highest prices in the world for prescription drugs, most of which are made right here in the United States of America.

Now, why is this motion that we are discussing now so important? I will tell you why. The issue is the reimportation bill, which passed the House, which passed the Senate. Is that bill going to be written by representatives of the American people, or is it going to be written behind closed doors by the pharmaceutical industry, the most profitable industry in this country?

The pharmaceutical industry has 300 paid lobbyists in Washington, D.C. The pharmaceutical industry has spent \$40 million in opposition to this legislation. The pharmaceutical industry has contributed millions and millions of dollars to both political parties, and last night, not last week, last night, they held a fund-raiser for the Republican Party where millions of dollars were raised.

The question is, do we have an open debate in order to pass serious legislation without loopholes, without impediments, without the drug companies putting in little language which will make our legislation unenforceable or meaningless, or do we have serious legislation that representatives of the United States Congress participate in writing?

The pharmaceutical industry should not write this bill behind closed doors; the elected representatives of the American people should write this legislation. Let us pass this.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time. I want to compliment the gentleman for a good job in getting the bill passed.

Mr. Speaker, as my friend from Florida (Mr. BOYD) said, over 60 days ago we passed this bill in the House, and we have passed all 13 bills in the House. But as I listen to my friends on the other side, it looks to me like they are trying to create an issue that is not there, because my friend and colleague from New Mexico, the chairman, has said that he does not have any objection to this motion to instruct. So I do not understand the arguments, because they seem to try to make an issue that is not even there.

As far as debating, as the last speaker said, we have spent more time in this Chamber and in the Committee on Appropriations this year debating mat-

ters that are extraneous and have nothing to do with appropriations bills. We have spent more time this year in genuine debate on those extraneous issues than we have in many, many years in the past.

So I say again, I am glad they pointed out the fact that we have passed all of our bills, and I am glad to repeat what my friend the gentleman from New Mexico (Mr. SKEEN) has said, we do not object to this motion. So what is the issue?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I have the greatest respect for the gentleman from Florida, and I wonder if he would be willing to answer a question.

The Chairman has a tremendous weight on him, and I have some understanding of that. I do want to ask the gentleman, however, seeing as how he says that the gentleman from New Mexico (Mr. SKEEN) has no objection to this motion, does that mean that if the motion passes, the members, the full set of members of the Subcommittee on Agriculture and Rural Development will be able to meet in full and open conference to deal with our disagreements with the members in the other body? Or does it mean, as last year, that our members would be appointed, but then the conference never called and the bill written in the back rooms here and brought to the floor?

Could the gentleman describe the process forward?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentlewoman that, yes, we would intend to meet in conference, and to suggest that we have not done that is erroneous.

We have a very intense conference meeting underway right now on one of the other conference reports. I have spent, as have many of our colleagues on both sides of the aisle, many, many hours in conference with the other body, and, in fact, with representatives of the White House, trying to iron out the differences between the House bills, the Senate bills and the position of the administration.

So the truth is, we have spent a massive amount of time in conference trying to resolve these differences. I understand that the agriculture bill is an extremely important measure and there are some strong differences between the House and the Senate. They will have to be worked out, and I would suggest to the gentlewoman that they will be worked out in a regular conference.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield further, so the gentleman would agree that our full membership would participate, the full membership of the subcommittee, in those discussions?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentlewoman by saying that is why we do not object to this motion to instruct.

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

Mr. Speaker, when the other body acted on the agriculture appropriation bill, they added a great amount of new matter, items that are within our subcommittee's jurisdiction as well as many items in other areas. All of the new matter is in addition to the routine differences we have every year on the basic bill.

We have been working hard on the differences between the House-passed bill and Senate-passed bill. We need to proceed one step at a time, and I think the step we need to take right now is to appoint the House conferees. So let us get on with it and do that.

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

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentlewoman for yielding me time. The gentlewoman from Ohio (Ms. KAPTUR) has been working very hard and done a very good job in her leadership on the Committee on Agriculture, and I have enjoyed working with her, as well as the gentleman from New Mexico (Mr. SKEEN) under his leadership, and the gentleman from Florida (Mr. YOUNG) and his leadership and the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, recognizing that as we get down to the final days of this session and the need and interest to be able to discuss and debate and to analyze these issues, as we move these things along, we want to make sure that we do move these things along, I want to encourage both sides to get together.

As far as the debate and the discussion of these issues, there is a very important measure as it pertains to the reimportation issue, which I have worked with the Members on the other side on very diligently, in trying to do it in a bipartisan fashion and have safety first. We want to make sure that that measure certainly has the safety, protection and safeguards necessary for public health, but, at the same time, that we do not create enough roadblocks and obstacles where it would be rendered meaningless.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I would simply like to make the point that the issue of Cuba travel has ended up in a sort of political no-man's land. We were told in the Treasury-Postal bill it would be handled in the Agricultural bill.

I would urge the chairman and those who are going to be in this conference

to actually take up that issue, because, if not, it is going to find itself off in the dust bins or at least the far corners of this political debate. I think it is an important political debate, having a lot to do with the constitutional rights that all Americans should enjoy.

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

Ms. KAPTUR. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The gentlewoman from Ohio (Ms. KAPTUR) is recognized for one minute.

Ms. KAPTUR. Mr. Speaker, first I would like to say to the gentleman from Maine (Mr. BALDACC), because he represents the Northeastern home heating reserve issue so well, he represents all States. So I want to say to the gentleman, his reach extends beyond his own State in many ways. I thank him for speaking on behalf of the motion to instruct.

Mr. Speaker, I ask our colleagues to vote for the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 502]

YEAS—409

Abercrombie	Bilbray	Capuano
Ackerman	Billirakis	Cardin
Aderholt	Bishop	Carson
Allen	Blagojevich	Castle
Andrews	Bliley	Chabot
Archer	Blumenauer	Chambliss
Armey	Blunt	Clayton
Baca	Boehkert	Clement
Bachus	Boehner	Clyburn
Baird	Bonilla	Coble
Baker	Bonior	Coburn
Baldacci	Bono	Collins
Baldwin	Borski	Combest
Ballenger	Boswell	Condit
Barcia	Boucher	Conyers
Barr	Boyd	Cook
Barrett (NE)	Brady (PA)	Cooksey
Barrett (WI)	Brady (TX)	Costello
Bartlett	Brown (OH)	Cox
Barton	Bryant	Coyne
Bass	Burton	Cramer
Becerra	Buyer	Crane
Bentsen	Calvert	Crowley
Bereuter	Camp	Cubin
Berkley	Campbell	Cummings
Berman	Canady	Davis (FL)
Berry	Cannon	Davis (IL)
Biggert	Capps	Davis (VA)

Deal	Jackson-Lee	Ose
DeFazio	(TX)	Owens
DeGette	Jefferson	Oxley
Delahunt	Jenkins	Packard
DeLauro	John	Pallone
DeLay	Johnson (CT)	Pascarell
DeMint	Johnson, E. B.	Pastor
Deutsch	Johnson, Sam	Payne
Diaz-Balart	Jones (NC)	Pease
Dickey	Kanjorski	Pelosi
Dicks	Kaptur	Peterson (MN)
Dingell	Kasich	Peterson (PA)
Dixon	Kelly	Petri
Doggett	Kennedy	Phelps
Dooley	Kildee	Pickering
Doolittle	Kilpatrick	Pitts
Doyle	Kind (WI)	Pombo
Dreier	King (NY)	Pomeroy
Duncan	Kingston	Porter
Dunn	Klecza	Portman
Edwards	Knollenberg	Price (NC)
Ehlers	Kolbe	Pryce (OH)
Ehrlich	Kucinich	Quinn
Emerson	Kuykendall	Radanovich
Engel	LaFalce	Rahall
English	LaHood	Ramstad
Etheridge	Lampson	Rangel
Evans	Lantos	Regula
Ewing	Largent	Reyes
Farr	Larson	Reynolds
Fattah	Latham	Riley
Filner	LaTourette	Rivers
Fletcher	Leach	Rodriguez
Foley	Lee	Roemer
Ford	Levin	Rogan
Fossella	Lewis (CA)	Rogers
Fowler	Lewis (GA)	Rohrabacher
Frank (MA)	Lewis (KY)	Ros-Lehtinen
Frelinghuysen	Linder	Rothman
Frost	Lipinski	Roukema
Gallely	LoBiondo	Roybal-Allard
Ganske	Lofgren	Royce
Gejdenson	Lowe	Rush
Gekas	Lucas (KY)	Ryan (WI)
Gephardt	Lucas (OK)	Ryun (KS)
Gibbons	Luther	Sabo
Gilchrest	Maloney (CT)	Salmon
Gillmor	Maloney (NY)	Sanchez
Gilman	Manzullo	Sanders
Gonzalez	Markey	Sandlin
Goode	Martinez	Sanford
Goodlatte	Mascara	Sawyer
Goodling	Matsui	Saxton
Gordon	McCarthy (NY)	Schaffer
Goss	McCrery	Schakowsky
Graham	McDermott	Scott
Granger	McGovern	Sensenbrenner
Green (TX)	McHugh	Serrano
Green (WI)	McInnis	Sessions
Greenwood	McIntyre	Shadegg
Gutierrez	McKeon	Shaw
Gutknecht	McKinney	Shays
Hall (OH)	McNulty	Sherman
Hall (TX)	Meehan	Sherwood
Hansen	Meek (FL)	Shimkus
Hastings (FL)	Meeks (NY)	Shows
Hastings (WA)	Menendez	Shuster
Hayes	Metcalf	Simpson
Hayworth	Mica	Sisisky
Hefley	Mikender-	Skeen
Herger	McDonald	Skelton
Hill (IN)	Miller (FL)	Slaughter
Hill (MT)	Miller, Gary	Smith (MI)
Hilleary	Miller, George	Smith (NJ)
Hilliard	Minge	Smith (TX)
Hinchey	Mink	Smith (WA)
Hinojosa	Moakley	Snyder
Hobson	Mollohan	Souder
Hoefl	Moore	Spence
Hoekstra	Moran (KS)	Spratt
Holden	Moran (VA)	Stabenow
Holt	Morella	Stark
Hooley	Murtha	Stearns
Horn	Myrick	Stenholm
Hostettler	Nadler	Strickland
Houghton	Napolitano	Stump
Hoyer	Neal	Stupak
Hulshof	Nethercutt	Sununu
Hunter	Ney	Sweeney
Hutchinson	Northup	Tancredo
Hyde	Norwood	Tanner
Inslee	Nussle	Tauscher
Isakson	Oberstar	Tauzin
Istook	Obey	Taylor (MS)
Jackson (IL)	Olver	Taylor (NC)
	Ortiz	Terry

Thomas	Upton	Weldon (PA)
Thompson (CA)	Velázquez	Weller
Thompson (MS)	Visclosky	Wexler
Thornberry	Vitter	Weygand
Thune	Walden	Whitfield
Thurman	Walsh	Wicker
Tiahrt	Wamp	Wilson
Tierney	Waters	Wolf
Toomey	Watkins	Woolsey
Towns	Watt (NC)	Wu
Trafficant	Watts (OK)	Wynn
Turner	Waxman	Young (FL)
Udall (CO)	Weiner	
Udall (NM)	Weldon (FL)	

NOT VOTING—24

Brown (FL)	Everett	McIntosh
Burr	Forbes	Paul
Callahan	Franks (NJ)	Pickett
Chenoweth-Hage	Jones (OH)	Scarborough
Clay	Klink	Talent
Cunningham	Lazio	Vento
Danner	McCarthy (MO)	Wise
Eshoo	McCollum	Young (AK)

□ 1347

Mr. ROTHMAN changed his vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 502, I was unavoidably detained. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mr. QUINN). Without objection, the Chair appoints the following conferees: Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, Mrs. EMERSON, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, and Messrs. HINCHEY, FARR of California, BOYD and OBEY.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4942. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4942) “An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes,” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Mr. DURBIN, and Mr. INOUE, to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 28, 2000, to file a conference report on the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Mr. Speaker, reserving the right to object, I just want to make clear that it is understood that the bill will be filed only if we have reached final agreement on all four corners.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. That is absolutely right. It would have to be complete agreement on the part of the conferees.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the conferees on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, have until midnight tonight, September 28, 2000, to file a conference report on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this time for the purpose of inquiring of the majority leader the schedule for the week and next week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Michigan (Mr. BONIOR) for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday October 2 at 12:30 for morning hour and 2 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, the appropriations conferees are working hard to solve many remaining issues on the Interior and Transportation conference reports. It is our hope that the conferees will be able to file their conference report as early as tonight. Members, therefore, should be prepared to vote on appropriations conference reports on Monday night after 6 p.m.

On Tuesday, October 3, and the balance of the week, the House will consider the following measures:

H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001;

H.R. 4577, the Departments of Labor, Health and Human Services and Education Appropriations Conference Report; and

H.R. 3244, the Trafficking Victims Protection Act of 2000 Conference Report.

Mr. Speaker, the House will also consider any other conference reports that may become available.

At some point next week, I would anticipate that the House will consider a continuing resolution.

Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. BONIOR. I thank my colleague for his report, and I gather from the last statement that the gentleman made that he anticipates that the House will consider a continuing resolution sometime next week, that we expect that we will go beyond the original target date of October 6. Can the gentleman help us with anything beyond that date in terms of his prognosis?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield to me.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I think the gentleman speaks, in this case, on behalf of all of our Members on both sides of the aisle. It is that time of the year that many of us have planned to complete our work. We are still hopeful that with a good week's work next week we might be able to finish by the appointed date of October 6, but I think the gentleman from Michigan (Mr. BONIOR) would agree, in light of the past history of appropriations seasons past, that it would be a prudent thing for us to be prepared to have a continuing resolution that would go beyond that time. And should we find ourselves moving in to that period of time, Mr. Speaker, I would like to assure the gentleman from Michigan, the

House will be scheduled in such a way as to maximize the opportunity that Members might need to fulfill other commitments they would have made for that week ensuing.

Mr. BONIOR. I thank my colleague. I am thinking in particular of Yom Kippur and Columbus Day that are right behind next weekend or next weekend, and I am wondering if the gentleman could express his comments.

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. I believe that it is Yom Kippur, and it is a matter of major importance to so many of our Members, and we certainly want to respect that.

Mr. BONIOR. I thank the gentleman from Texas for his response.

Let me ask one other question to the gentleman from Texas, the majority leader, we had a vote here just a second ago on the motion by the gentlewoman from Ohio (Ms. KAPTUR) to open up and make sure that the conference on Agriculture is available to all the conferees and to instruct the conferees to meet with all Members present. Can we assume from that vote that that in fact will happen?

Mr. ARMEY. Again, I want to thank the gentleman for his inquiry, and if the gentleman would continue to yield.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Earlier in our bicameral meeting today, we discussed the conference on agriculture, and it is my understanding that the key participants in the committee on both sides of the aisle will get together, plan out a schedule, and notify the other Members.

Mr. BONIOR. I am trusting that there will be full and adequate public airings in which the managers have the opportunity to debate and to vote on all matters of disagreements between both Houses, and I hope this is not done between a couple of people and everyone else is left out.

I just want to reemphasize and underscore what we have just done on the House floor and say to the majority leader I anticipate that since the House overwhelmingly voted in that matter that those wishes will be carried out in the conference on agriculture, and I thank my colleague for his information.

Mr. ARMEY. I thank the gentleman. Mr. Speaker, may I just wish the gentleman from Michigan good luck this Sunday on the gridiron when my beloved Vikings come to town.

HOUR OF MEETING ON FRIDAY, SEPTEMBER 29, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow, Friday, September 29, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY,
OCTOBER 2, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 29, 2000, it adjourn to meet at 12:30 p.m. on October 2 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STOP SPLINTERING FAMILIES;
START APPLYING AMERICAN
FAIRNESS AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor my colleagues for taking a step forward and unanimously passing H.R. 5062, an important step toward restoring fairness to families split apart by 1996 legislation that was billed in this House as immigration reform.

I encourage the Senate to quickly follow the House of Representatives' lead. We must stop deporting hard-working legal immigrants, Mr. Speaker, who are raising stable families only because they committed a minor infraction years and years ago.

We must stop hauling away parents away in the middle of the night in front of their children, and we must stop denying these people now in detention the most basic constitutional rights that we in America believe everyone should have.

□ 1400

These practices, Mr. Speaker, are the direct result of the 1996 so-called immigration reform law. The 1996 law removed the authority of immigration judges to take into account a person's contributions to our society as well as

their misdeeds. It removed Federal judges' oversight of the immigration process.

It allowed Immigration and Naturalization Service deportation officials to pick up someone after they applied for citizenship, put them in detention in the middle of the night without their relatives knowing where they were, and hold them without bail.

H.R. 5062 will stop these immoral practices. It will restore judicial oversight of these matters that involve long-term legal permanent residents who paid their debt to our society, in many cases on this a short probation or a suspended sentence, only to have the 1996 law reclassify their misdeed as an aggravated felony.

H.R. 5062 stops this. It restores justice and fairness to immigration proceedings. Many, many families in my district applaud this action.

For example, it would help Aida. Her father had always been a good provider, but was picked up by the INS, handcuffed in front of his family, and deported. Now the family, which had been paying taxes, had to move into reliance on welfare. Aida's father can now apply to come back into the country and have a judge review his case under our recent action.

Mr. Speaker, this is America where actions have consequences but where we have a system of checks and balances to ensure that no branch of the Government can run roughshod over our rights.

So to my colleagues in the Senate, I urge quick passage of H.R. 5062. It would rollback the un-American provisions of the 1996 law by eliminating most of the so-called retroactivity provisions so minor crimes from decades ago are not counted against those who are in this country legally. It allows those who have been deported to appeal to return to the United States.

H.R. 5062 is a real positive step forward. It will help hundreds if not thousands of families in my own district and around the Nation. We need to restore fairness so that our pledge of allegiance truly means with liberty and justice for all.

REPORT ON RESOLUTION WAIVING
REQUIREMENT OF CLAUSE 6(A)
OF RULE XIII WITH RESPECT TO
SAME DAY CONSIDERATION OF
CERTAIN RESOLUTIONS RE-
PORTED BY THE COMMITTEE ON
RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-909) on the resolution (H. Res. 599) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING
REQUIREMENT OF CLAUSE 6(a)
OF RULE XIII WITH RESPECT TO
SAME DAY CONSIDERATION OF
CERTAIN RESOLUTIONS RE-
PORTED BY THE COMMITTEE ON
RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-910) on the resolution (H. Res. 600) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

DISAPPOINTING POLICIES OF
CLINTON ADMINISTRATION TO-
WARD SUDAN AND AFRICA

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to express my profound disappointment with the Clinton administration's policies towards Sudan, and Africa in general. To be sure, there are many good people who have tried to implement worthwhile and thoughtful policies for Africa during the tenure of this administration. The problem with this administration is, more often than not, the voices that should be heard have not carried the day.

My complete statement will provide more details, but let me briefly outline what I have been talking about. I have been to Sudan three times and followed the horrible situation there very closely.

The Clinton administration has much to answer for. Over 2 million people have died in Sudan; yet President Clinton never expended the energy on Sudan to bring about a lasting peace as he has in Northern Ireland and the Middle East.

The administration knew about the existence of slavery in Sudan since at least 1993. Yet, the administration was slow to act and slow to take tough action with Sudan.

The administration failed to prevent the listing of PetroChina, a subsidiary of the Chinese National Petroleum Company, on the New York Stock Exchange.

The administration's record on preventing one of Sudan's primary exports, gum arabic, has been spotty. An embargo on gum arabic has been in effect by an Executive Order since November of 1997, but just this year the administration allowed an exemption of a shipment of gum arabic from Sudan. This Congress may be passing something that the administration has not spoken out against with regard to gum arabic.

In the past few months, the government of Sudan has repeatedly bombed

the United Nations relief operations and other civilian targets. The administration has issued statements. But at this point, after all of the Sudanese Government's atrocities, words are not enough to address the problem in Khartoum.

Two years ago, President Clinton hailed what he called an African renaissance. But a recent article in the Los Angeles Times states that a recent national intelligence estimate says that "Africa faces a bleaker future than at any time in the past century."

Today's Roll Call shows pictures of some of the children who had their arms and legs and ears cut off by rebels in Sierra Leone. This administration has made a mess of the situation in Sierra Leone and has done nothing but spin its wheels there. Yet again, it is an African policy that is long on rhetoric and short on action.

President Clinton has traveled more than almost any other President. He has had first-hand experience throughout Africa, more experience and actual time in Africa than any other President. But all this time there only amounted to photo opportunities and handshakes, amounting to substance-free public relations.

Because of his time in Africa, he should have done much more. It is not too late for this administration to do more for Africa. The death, the suffering, the destruction that has occurred over the past 8 years in Sudan and Sierra Leone and Rwanda and Burundi and other places need more than a touch-down by Air Force One.

REVIEWING THE REOPENING OF PENNSYLVANIA AVENUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, if my colleagues have been in Congress for no more than 5 years, they have never seen Pennsylvania Avenue as a normal city street. It was closed in 1995 in the wake of the tragic Oklahoma City bombing. This body has had no mechanism for reviewing what was done, whether it was appropriate or whether it should continue ad infinitum. The Secret Service has, of course, wanted to close Pennsylvania Avenue for decades now; and after the tragic Oklahoma bombing, it is understandable that the Service succeeded.

But what about now? The Subcommittee on the District of Columbia, to its credit, under the leadership of the gentleman from Virginia (Mr. DAVIS) had three hearings. But there was nothing concrete that the committee could come forward with at that time in 1995 to respond to the closing.

For all intents and purposes, there is no way for the Congress of the United

States to review a closing, and it could happen anywhere in the United States on the say so, the unreviewable say so, as it turns out, of the Secret Service, unreviewable because it is clear to me after a meeting that I had with Secretary of the Treasury Lawrence Summers yesterday that the Secret Service has captured and easily continues to capture the government bureaucrats.

The Congress must establish a way to review and decide the appropriateness of a closing when it goes on for years. I intend to introduce legislation to that effect so that it does not again happen here and so it cannot happen in my colleagues' jurisdictions either.

A public-spirited group of business people, the Federal City Council and the D.C. Building and Industry Association, have secured an independent effort by world-class experts to see whether there is any way to meet the Secret Service's concerns and open the avenue. They have a plan that meets each and every concern the Secret Service had raised—narrowing the avenue, putting grass over large parts of it so that cars would be well beyond the distance that a bomb could do damage to the White House complex, bridges on either side of the avenue that would allow only cars and not trucks to enter the avenue, and so forth.

Without this kind of sensitivity to this living, breathing city, of course, essentially we close down much of its commerce in the middle of the town. We do great damage to the environment, and we make congestion far more awful than it is. We are second already in traffic congestion in this country.

There are many other details, including technology, that there is not time to offer here today. I soon am to receive a Secret Service briefing so that I can learn what it is that concerns them now. But there is every indication that they simply intend to move the goal post. First it was trucks. I am sure that now it will be cars. Then it will be motorcycles.

We have briefed White House officials. The President seems quite open to opening the avenue, but he says he wants to make sure that others are not harmed. The fact is that no single person wants to take the responsibility. This is the body that should take the responsibility.

What the Secret Service wants is essentially zero risk. It is time to factor into the equation of decisionmaking the more than half a million people who live in this city, the more than 4 million who live in the region, and the millions of Americans 25 million each year, who come to visit and see America's main street closed down.

Only the independent counsel has had as much nonreviewable authority as the Secret Service effectively has. Nobody wants to harm the President or the White House complex. But in a free

society there must be a way to balance the risk of harm versus the risk to our democratic institutions. We cannot accept a bar that automatically rises when the Secret Service alone, unreviewable for all intents and purposes, simply raises that bar. We cannot let the police ever be the last word on our democratic institutions.

In America, the notion of a zero risk standard in order to protect any of us is unacceptable when what we lose are our democratic rights and our democratic institutions. Zero risk or anything close to it is a standard that no American who believes in an open and democratic society should ever have to meet. That is the power we have effectively given the Secret Service.

I am going to introduce a bill to make sure that it does not happen again.

RIPLEY'S BELIEVE IT OR NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, if this campaign for President goes on much longer, it may be capable of being admitted into "Ripley's Believe It or Not". In fact, I am speaking specifically of our candidate on the Democratic side, the Vice President of the United States.

Many people will remember some of the claims that he has made in recent years, including "I invented the Internet," "I discovered Love Canal," "I was the feature for Love Story," and then recently he imagined his dog and mother-in-law were taking the same medicine for arthritis in which to compare pricing and scare seniors in my home State of Florida to reality check, if you will, that neither one apparently is taking the medicine, or at least the analysis was incorrect and flawed at best.

More recently he is going to crack down on Hollywood and then goes out there and raises buckets of money and says to them, "Do not worry, I am only here to nudge you." Now he wants to tap into the Strategic Reserve because he sponsored the legislation that created it and authorized the first funds to purchase the fuel, even though that was created 2 years before he came to Congress.

He continues to accuse the Bush campaign of being beholden to big oil, yet continues to refuse to fully explain his ties and financial dealings with Armand Hammer, the late chairman of Occidental Petroleum, and a long favorite of the Russian Government.

More recently now as we talk about the Strategic Reserve, many in this Congress claim on both sides of the aisle that the intervention of the White House on the Strategic Petroleum Reserve has caused the market on energy

and fuel prices to plummet because of their outstanding leadership on this issue.

Let me read to my colleagues from today's USA Today in the Money section, Thursday September 28: "Forget oil. The price of natural gas is skyrocketing. All but unnoticed in the recent furor over crude oil and heating oil, the price of natural gas," and let me underscore this point, "which heats more than five times as many homes as heating oil has soared to record heights with hardly a pause since July. The natural gas future prices hit 531 per million British thermal units Wednesday on the New York Mercantile Exchange, more than double its load this year of \$2.17 on January 5 and up about 62 cents over last month."

Then the claim is that the tapping of the Strategic Reserve is not about politics. That one may top all other whoppers committed by the campaign to date.

The Strategic Reserve was established to make certain that America would never become dependent on foreign fuels during a crisis. During a crisis, like the Persian Gulf, we were able to last tap into that reserve to make certain our country handled that crisis calmly and that there was no interruption in domestic life.

But now because of the campaign, the concerns when soccer moms are complaining about the high price of gas, we have an administration that is quickly willing to tap into that very viable and vital supply that is there for all Americans to use.

Now, think about it in one's own life. Many people, I am certain, think about buying a new car, maybe going on vacation. They make the analogy that I will borrow from my savings account and I will pay it back because this is really important. Of course most of us realize we never quite get around to paying it back or, if we do, it is usually late or not at all.

□ 1415

Now, look at the analogy here of 30-plus million barrels of oil. When and how do we pay it back, and at what price? Saddam Hussein and others must be cheerfully mocking America today and thinking, let us get them to continue, in the art of politics, to draw down their reserves, and then we in OPEC will spike prices so that when they have to replace it for the purpose of the strategic reserve, they will not be paying \$30 or \$32, they may be paying \$40 or \$45. But then the election will be over and no one will really have to explain the financial gimmickry we went for in order to do a temporary fix at the pumps.

We have not had a consistent energy policy the past 8 years. We have not embarked on enough wind energy and solar power and other alternative fuel sources. We have become too depend-

ent, too consistently obligated to foreign sources. Yet this administration, in response to a domestic enterprise, sues Microsoft. They should have been suing OPEC, possibly for collusion on price.

When Americans fill up their cars over the next few weeks, the one question most important to them should be, are we better off than we were 8 years ago? I would say they are not better off than they were even 1 or 2 years ago. During this administration prices have risen to the highest level we have had over the last 10 years; the last time being during a conflict in the Persian Gulf.

So I urge my colleagues to look at the record, reflect on it, and, hopefully, urge the administration not to tap into our Strategic Petroleum Reserve by playing politics with petroleum.

COAST GUARD READINESS

THE SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to address this body on the issue of military readiness. Yesterday, the Committee on Armed Services held a lengthy hearing regarding the state of our Nation's military. During that hearing, the Chairman of the Joint Chiefs and the Service Chiefs of the Army, Air Force, Navy, and Marines offered frank testimony regarding the ability of our Nation to meet the security challenges facing us today.

As I participated in yesterday's hearing, I could not help but think that an important part of our military was not being heard: The United States Coast Guard. While some might not realize it, the United States Coast Guard is our Nation's fifth military service. In one form or another, the Coast Guard has served our country alongside her sister services in peace and war since 1790.

As a recent Presidentially approved study on the roles and missions of the Coast Guard certified, the Coast Guard's special capabilities are as well suited to the national defense mission of the 21st century as they were in 1790. Whether it is drug interdiction or illegal immigrants along our Nation's shores or serving with our naval forces in the Balkans and the gulf, the Coast Guard is a vital part of our overall national security strategy.

Unfortunately, with that responsibility has also come many of the same readiness difficulties facing the other branches of the military. They are facing challenges in recruiting and retaining personnel, in keeping up with rising operation and maintenance costs caused by aging equipment and by performing dramatically increased missions with greater decreased manpower.

A USA Today article published last May highlighted many of these problems facing the Coast Guard, and I will be providing a copy of the article, Mr. Speaker, for the RECORD.

The writer of this article identified several of the concerns when indicating that despite soaring operational commitments, the Coast Guard, which has 35,000 active duty service members, is the same size as it was in 1967. Enlisted experience has declined from 8.8 years in 1995 to 7.9 years today, and is expected to drop to 7.1 years in the year 2003. The percentages of experienced pilots who leave every year has doubled since 1995, soaring from 20 percent to 40 percent.

I further quote the article: "The Coast Guard has only half of the certified surfmen it needs to operate rescue boats in the most dangerous conditions." The author went on to say that equipment is also a problem. "On any given day, just 60 percent of the HC-130 fleet is fit for duty. Some have been turned into 'hangar queens,' cannibalized for spare parts to keep other aircraft flying. The Coast Guard's major cutters are an average of more than 30 years old. Many smaller boats date to the Vietnam War. Such a creaky fleet is no match for drug smugglers."

From these anecdotes alone it is easy to see the challenges facing the Coast Guard are not minor. The men and women of our fifth armed services are some of the best, the brightest, and the most dedicated military personnel in the world. They serve our Nation with pride, and we owe it to them to ensure that they are properly resourced to perform their missions.

Mr. Speaker, when this Congress and the American people debate the issue of military readiness, it is imperative that the Coast Guard be included as part of the debate. That debate is important to ensuring that the Coast Guard will always be able to live up to its motto, *Semper Paratus*, always ready.

Mr. Speaker, I submit herewith for the RECORD the news article referred to above:

[From USA Today, May 16, 2000]

READINESS PROBLEMS PLAGUE COAST GUARD (By Andrea Stone)

WASHINGTON—For 210 years, the Coast Guard has lived its motto, *Semper Paratus*. Always ready.

Yet there are mounting questions today about whether that still holds true.

When President Clinton speaks to Coast Guard Academy graduates in New London, Conn., Wednesday, he will face members of a military service whose national security role has expanded in the last three decades even as its ranks have shrunk to 1967 proportions. At a time when drugs, terrorism, pollution and illegal migration pose a bigger threat than foreign armies, the Coast Guard is the federal agency in charge of monitoring them all.

And it must do so without skimping on its No. 1 priority: saving lives. Last year, the Coast Guard answered 39,000 calls for help and saved 3,800 people.

Yet with an enlisted force that is younger and less experienced every year and a fleet that is older than 38 of 41 navies of similar size and mission, there is evidence that its core mission is being compromised:

A shortage of serviceable HC-130 search planes may have contributed to the death last fall of a boater who called for help during a storm off the California coast.

Four people drowned in 1997 near Charleston, S.C., during a storm after an inexperienced watchstander failed to pick up the word "Mayday!" on a radio distress call. The National Transportation Safety Board later cited "substandard performance" by the service.

That same year, three Coast Guard crewmembers died when their boat capsized during a rescue attempt off the coast of Washington. An internal report blamed a lack of training and experience, noting that many crews are "unqualified to fill the billets to which they have been assigned."

"They're reaching the edge of their capabilities," says Mortimer Downey, deputy secretary of Transportation, which oversees the Coast Guard. "We're seeing less than optimum performance."

In what was called a "cultural shift" signaling that crews would no longer try to do more with less, Coast Guard Commandant Adm. James Loy ordered in March an unprecedented 10% cut in non-emergency operations. "The strains caused by having tired people run old equipment beyond human and mechanical limits (degrades) our readiness," he said recently.

"Coasties" will still answer every call for help. But safety inspections and patrols to catch drug smugglers, illegal migrants and foreign vessels illegally fishing in U.S. waters have been scaled back. The Coast Guard commander on Nantucket Island, Mass., has stopped operations for eight months though crews will still respond to search-and-rescue emergencies and oil spills. He said his crews need the time to repair their boats and train.

"The reduction in Coast Guard presence on the high seas will undoubtedly mean more illegal drugs will not (sic) stopped, more illegal migrants will reach our shores, and more foreign fishing vessels will harvest our marine resources," retired vice admiral Howard Thorsen wrote in May's issue of Proceedings.

Since 1976, when Congress expanded the coastal limit from 12 miles to 200 miles, the Coast Guard has enforced the law in the United States' exclusive economic zone—at 3.4 million square miles the world's largest. During that same period, the service was given the jobs of protecting the marine environment, stopping illegal migrants and interdicting drug smugglers. The last two decades have also seen safety-related duties expand as the number of recreational boats and passenger cruise ships has skyrocketed.

Yet the Coast Guard, which has 35,000 active-duty service members, is the same size as in 1967. It joined the other military services in a post-Cold War downsizing that saw 5,000 people leave in the 1990s. And now, like those services, it is struggling to cope with high turnover and tough recruiting in a red-hot economy:

Enlisted experience has declined from 8.8 years in 1995 to 7.9 years today and is expected to drop to 7.1 years in 2003.

The percentage of experienced pilots who leave every year has doubled since 1995, soaring from 20% to 40%.

More than a quarter of enlisted cruise ship and charter boat safety inspectors have not attended entry-level marine safety courses. A third of lieutenant commander safety billets are filled with junior lieutenants.

The Coast Guard has half the certified surfmen it needs to operate rescue boats in the most dangerous conditions. Aging equipment adds to problems. On any given day, just 60% of the HC-130 fleet is fit for duty. Some have been turned into "hangar queens," cannibalized for spare parts to keep other aircraft flying.

The Coast Guard's major cutters are an average of more than 30 years old. Many smaller boats also date to the Vietnam War. Such a creaky fleet is no match for drug smugglers.

This year, at least 400 souped-up speedboats carrying tons of illegal drugs from Colombia will cut through the Caribbean at up to 50 knots per hour. The fastest cutters reach 30 knots. The result is that nine of 10 smugglers get away.

In December, a government task force recognized the problems and endorsed replacing the entire fleet with electronically linked high-tech cutters, small boats, fixed-wing aircraft, helicopters and satellites. The so-called Deepwater project, which has bipartisan support, would cost at least \$500 million a year for the next 20 years.

By Pentagon standards, the project is modest. But then again, the Coast Guard's \$4.1 billion budget is tiny compared with the Pentagon's nearly \$300 billion budget.

CONGRESS MUST PROVIDE A TRANSFUSION TO AMERICA'S HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I am delighted today to pay tribute to a gentleman who is not only a friend but a great part of the Fifth Congressional District of Washington. His name is Gordon McLean. He is the Administrator of the Whitman County Community Hospital in Colfax, Washington. He has been working in my office the last couple of weeks on the issue of health care and helped me prepare these remarks today for delivery to the House. He is not only a valued friend but a valuable part of the medical community in eastern Washington and really across the Nation.

Mr. Speaker, the Nation's health care system needs a transfusion that only Congress can provide. I am delighted to recognize the extraordinary health care system we have in my Fifth Congressional District of Washington, a model of cooperation, collaboration, and creative solutions to the challenges facing an industry continually pressed to do more with less and never make a mistake.

Without a transfusion in the form of further Medicare and Medicaid relief, this system is in jeopardy, and it is not alone. The lack of reasonable and necessary reimbursement for quality health care services is affecting health care systems across our country. Right here, in what people in my State call "the other Washington," one major hospital totters on the brink of clo-

sure, while another copes with a strike by nurses.

Ever more often we see headlines about patients dying or being injured because of medication errors, short staffing, too much overtime, misuse of restraints, unsafe bed rails and overworked interns. Many of these reports are exaggerated, based on flawed or insufficient study and embellished by tabloid sensationalism. But we must admit that there is often an element of truth in every report.

In a hospital, a reportable accident or a situation prompts a root-cause analysis that is conducted to get to the root of the problem, change policies and procedures, and take steps to ensure the risk is reduced or removed. The truth is that more and more of these reportable incidents can be traced back to insufficient funding. The truth is that there will be more safety, service and staffing incidents until Congress provides a funding transfusion not only for hospitals but for community clinics, home health, and hospice services, graduate medical education, and all the vital components of our health care system.

The Balanced Budget Act was a timely and appropriate effort by Congress, and I also believe that the reduction in projected payments for Medicare and Medicaid was intended to be reasonable and necessary. One intended consequence was what we eastern Washingtonians describe as separating the wheat from the chaff. There needed to be some pruning of excess duplication and abuse, shaking out those who saw Medicare as a gravy train. While painful and maybe a little too aggressive at first, the Medicare crackdown on Medicare fraud was timely and appropriate as well. Yes, it has been difficult for the last 3 years, but I believe our health care system is now and will continue to be healthier for the experience.

At the same time, even Mother Joseph, who pioneered health care ministries in our great Pacific Northwest, the Mother Joseph we honor in our Congressional Hall of Statutes, understood the meaning of no margin, no mission. And it is this deteriorating margin in the health care industry that prompts my comments today.

The new reality is that our extraordinary system of health care in this country, designed to care for the ill, injured and infirm is itself infirm, unstable and tottering. Yes, this system sacrificed for the cause of a balanced budget. Yes, there have been the pains of change as the system has become more efficient and productive. Needless to say, Medicare compliance is a priority for providers who have received the message from Congress.

Yet, Mr. Speaker, I believe we have gone beyond intended consequences and are in the realm of serious systems failures if there is no boost to margins

for health care providers. One of the first rules in medicine is, "First do no harm." I believe we have reached the point of harm in many programs, from graduate medical education to home health.

We recall the urgency to balance the Federal budget. We achieved that goal. And we recall how reductions in projected Medicare and Medicaid patients' payments made a significant contribution. I believe too significant. For example, 3 years into our 5-year program, we find the hospital inflation rate running at three to four times their Federal payment updates. The hospital inflation rate is driven by wage and benefit demands in a labor shortage environment, the rising cost of supplies, replacing and adding new technology, responding to greater numbers of uninsured, and adding staff to cope with the increasing complexities of administration.

While I use the hospital example, I am speaking for the entire health care system. Each component faces similar as well as unique challenges. The one common denominator they share is deteriorating margins. Congress has been besieged by countless messages from health care providers telling us of the unintended consequences of the Balance Budget Act; that our reconciliation efforts last year were appreciated but were not enough; and that a 2-year transfusion is needed now.

There is another saying in medicine. "Bleeding always stops." The challenge is to determine the cause of the bleeding and take action before it is too late. Today, I ask my colleagues to join together in a bipartisan effort to recognize the extraordinary health care system we have in America, acknowledging enough is enough, and providing prompt and appropriate Balanced Budget Act relief to stem the bleeding, and to do no more harm to one of our Nation's most valued assets; the American health care system.

URGING LEADERSHIP TO GIVE H.R. 4541 FULL HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week's announcement by President Clinton that the Federal Government would swap 30 million barrels of oil from the Strategic Petroleum Reserve was welcome news to myself and many other Members from the Northeast. I remember all too well the effect that last winter's dramatic spike in heating oil prices had on my constituents' heating bills. While the OPEC countries should do the right thing and increase supplies, here on Capitol Hill lobbyists are working behind the scenes to increase their companies' bottom lines at the expense of the public and taxpayers.

I want to take this opportunity to bring to the attention of my colleagues an important piece of energy legislation that may soon be placed on suspension. The Commodity Futures Modernization Act of 2000, H.R. 4541, which was passed by the Committees on Banking and Financial Services, Commerce and Agriculture. This is important legislation for our Nation's financial services and our economy in general.

I am concerned that a provision excluding trading in energy derivatives from proper regulation has been added to this legislation and that the House may not have an opportunity at this late date to debate this provision. The legislation, as reported by the Committee on Banking and Financial Services, increases the legal certainty of financial derivatives by excluding them from regulation by the Commodity Futures Trading Commission. These financial instruments are used by financial institutions and large businesses to offset interest rates, foreign currency, credit and other risks. When used by qualified investors, financial derivatives can reduce risk and increase the efficiency of the economy.

In drafting the Commodity Futures Modernization Act, the House committees closely followed the recommendations of the report of the President's working group on financial markets. The working group, comprised of the Federal Reserve, SEC, OCC, and CFTC, produced its report after months of study of the derivatives market. A central recommendation of the working group was that the exclusion from CFTC regulation should be limited to financial derivatives. Financial derivatives are based on underlying commodities of infinite supply, such as interest rates.

CFTC Chairman William Rainer elaborated on this distinction before the House Committee on Agriculture, and I quote,

H.R. 4541 diverges, however, from the President's recommendations by codifying an exemption for most provisions of the Commodity Exchange Act for transactions in energy and metal commodities. In recommending an exclusion from the CEA for financial derivatives, the working group differentiated between trading financial products and nonfinancial products.

Continuing, he said,

The CFTC has already exempted many types of energy trading from the provisions of the Commodity Exchange Act. But the exemption for energy commodities included in H.R. 4541 expands the scope.

□ 1430

"The Commission's 1993 energy exemption is confined to parties with a capacity to make or take delivery. But this act would extend the exemption beyond those acting in a commercial capacity to encompass all eligible contract participants as defined in the bill."

In other words, the bill that the House may be asked to vote on contains an exclusion for energy products that was not recommended by the report which the House otherwise followed in drafting the bill.

Contributing to my concern is that the public and the CFTC may be handcuffed in monitoring energy derivative prices if trading that currently occurs on energy future exchanges moves to private, multilateral electronic exchanges that the energy companies themselves may own.

Given the historically high energy prices we are currently facing, I believe now is the wrong time to limit our regulators in policing fraud in the energy markets. Again the CFTC, the regulator, agrees with me on this point. Last week I received a letter from Chairman Rainer in which he wrote of the provisions in this bill.

He said, "Charging the Commission with the responsibility to police for fraud and manipulation, however, without conferring authority to right regulations where necessary, leaves the CFTC inadequately equipped to fulfill these responsibilities."

Mr. Speaker, I include for the RECORD the following letter from Chairman Rainer:

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Washington, DC, September 19, 2000.

HON. CAROLYN B. MALONEY,
Member of Congress, House of Representatives,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: I am pleased to write you on behalf of the Commodity Futures Trading Commission in response to your recent letter asking for the Commission's position with respect to language in H.R. 4541 that would exempt energy and metals products from regulation under the Commodity Exchange Act.

Before addressing the specifics of the energy and metals exemptions, I would like to emphasize the Commission's support for swift Congressional action on legislation establishing legal certainty for over-the-counter financial derivatives consistent with the unanimous recommendations of the President's Working Group on Financial Markets.

However, all versions of H.R. 4541 also contain provisions that effectively exempt most forms of trading in energy products from the Commodity Exchange Act, contrary to the recommendations of the PWG. As stated previously in testimony in both the House and Senate, the Commission is deeply concerned that these exemptions are not based upon sufficient evidence to warrant their inclusion in the legislation. One of the principal factors cited by the PWG in recommending an exclusion for OTC financial derivatives was that nearly every dealer in those products is either subject to, or affiliated with, an entity subject to federal financial regulation. This cannot be said with respect to most participants in trading energy products.

The Commission also notes that the views of other agencies with responsibilities for regulating various aspects of the cash markets in energy products have not been solicited. The recommendations of the President's Working Group on Financial Markets

for treatment of OTC financial transactions was preceded by nearly a year of deliberation and study by the four principal agencies of the Working Group, resulting in a consensus on treatment of those products. No such process has been undertaken by the agencies with responsibilities for various aspects of trading in energy products, and we are therefore concerned that the potential consequences of this part of the legislation have not been thoroughly considered.

While the exemption in energy products is common to all three versions of the legislation—those of the Committees on Agriculture, Banking & Financial Services and Commerce, respectively—the Commerce Committee version extends the exemption to apply to metals products, as well.

With respect to the exemption for metal commodities, the Commission has serious reservations about the extent to which H.R. 4541 would exempt these products from the CEA. In the Commission's experience, metal commodities have an unambiguous history of susceptibility to manipulation and we believe that futures and options transactions in these commodities require full regulatory oversight by the CFTC to protect the markets and their participants from unlawful practices. For example, in 1998 the Commission settled a major copper manipulation case, in which one company acquired a dominant and controlling cash and futures market position during 1995 and 1996 that caused copper prices worldwide to rise to artificially high levels. That case resulted in the offending company's paying the largest civil monetary penalty in U.S. history to that time. In fact, the President's Working Group Report explicitly stated that these markets have been susceptible to manipulation and to supply and pricing distortions and therefore recommended that they not be excluded from the CEA.

The Commission recognizes that the legislation attempts to address some of these concerns by providing the agency with anti-fraud and anti-manipulation authority. Charging the Commission with the responsibility to police for fraud and manipulation, however, without conferring commensurate authority to promulgate regulations, where necessary, leaves the CFTC inadequately equipped to fulfill those responsibilities.

While there are many important provisions of H.R. 4541 that warrant enactment, the Commission cannot recommend that the Congress move forward on those provisions unless the basic issues outlined here are addressed. The Commission is pleased to continue working with you and other interested parties to reach a satisfactory solution to these important issues.

Sincerely,

WILLIAM J. RAINER.

Mr. Speaker, I do not believe that now is the time to give big energy companies trading in energy derivative products a regulatory pass.

Let me quote and note that the commodity modernization bill is otherwise very, very important legislation for the conduct of our Nation's financial services that I support.

I urge the leadership to give this bill a full hearing in the House and not place it on suspension, and I urge my colleagues to remove the exemption for energy derivatives so that the public may know what the price is.

CORPUS CHRISTI

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. SOUDER) is recognized for 20 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, some of what I have to say here this afternoon is not going to be very comfortable to hear, and it is, quite frankly, pretty uncomfortable for me to come forth and to talk about this directly.

The poster my colleagues see beside me, and I will refer to this a number of times, is about a play called "Corpus Christi." This is representing Jesus Christ. This is the Apostle Peter, his supposed homosexual lover. This play depicts all the Apostles as the homosexual lovers of Christ.

The reason that this is of concern to me is not because the Government directly funded it, because we did not, but because through the National Endowment for the Arts we funded this theater before the play and we have continued to fund this theater after they insulted those of us who believe that Jesus Christ is our Lord and Savior. They continued to insult us by funding this theater that did this play, among others.

I want to put this in a little bit of context. We are having a tough debate right now over the Interior appropriations bill. I strongly support most of the money in the Interior appropriations bill and have been an advocate for it.

Furthermore, I want to make it clear, as I have before on this floor, that I am not a libertarian who favors eliminating the National Endowment for the Arts unless it cannot restrict itself to really funding true art.

I believe there is an important role for arts in society. In fact, I came on this floor after having led a fight in my first term to try to first eliminate the National Endowment for the Arts and then to freeze the funds. I came to this floor to say that I believe that Bill Ivey has made some progress at the National Endowment for the Arts in eliminating some of the types of performance art and in trying to direct the arts to different parts of the country.

I also said in my statement, which I will ask unanimous consent to reinsert at this point, why I believed it is important to fund the arts and why I believe that some of the charges that some of the conservatives were making against the National Endowment for the Arts had not been researched.

In fact, I went into detail on this particular play showing how the National Endowment for the Arts did not know for sure what Terrance McNally was going to produce when they funded this theater. But I did not know at the time because the National Endowment did not provide me with the information,

and since then the American Family Association has, that we were continuing to fund the theater after they insulted us, after they in effect told the American people to go stick it in your ear, then we continued to fund them.

That is not progress; that is a step backwards. We are not going to buy this wink and a blink where we say, "okay, we are not going to fund the play directly. We will just fund the theater." Then we will fund the theater again. Most of these theaters are small theaters. The money moves between the plays. It is a tad too cute to convince me or anyone else that we are not funding the play directly when we are funding the stage, when we are funding the repertory company, when we are funding in effect indirectly their advertising and their overhead.

Of course they are funding the play. And to have the gall to try to imply otherwise to me and for me then to come down to this floor to defend the National Endowment for the Arts when in fact they were continuing to fund the very things that I was trying to say they had tried to clean up, I feel deceived and duped on top of trying to help them work it out.

Even that said, the conservatives in this House went to our leadership and went to our appropriators, and the gentleman from Ohio (Chairman REGULA) has stayed firm and our leadership has stayed firm with the House position to keep it at a freeze. But since the other body wants to increase the funds, we came forth with a compromise that any new funding would go to a separate fund targeted towards smaller and rural areas where there clearly is a shortage of arts dollars in America, where they do not have the resources to do the arts and put the new funding there and also ask that, in the regular NEA, that there either be a restriction that funds could not be given to these individual theaters, which we have learned we cannot do in the limitation of funds, or that there be additional reduction in the NEA direct funding from \$98 million down to \$96 million and that \$2 million be put over into the reserve fund.

We have bent over backwards to try to come up with a compromise on this, even though many of us are so offended by the gratuitous type of art. We have said we will stand aside knowing that the majority of this body and the Senate want to increase the funds; but there has to be some kind of restriction, including the one other thing we asked for, that obscene and pornographic theater could not be funded.

The truth is we know that by banning obscene and pornographic funding that is just language, because the truth is NEA could declare that it is not obscene or not pornographic. But it is important symbolism here of what we in Congress intend the arts to be. We do not intend it to insult the majority of

the American people gratuitously with our tax dollars.

This is not about freedom of speech. It is not about freedom of art. Pretty much you can do whatever you want in America. And if it is in the name of art, you do not even fall under a lot of the restrictions we have on other forms of entertainment.

So this is not about what you can do with your money. This is about what you can do with my money and the taxpayers of Indiana and the taxpayers of America's money.

There is a difference between private art that you do and then asking everybody else to fund your art. And part of what should be funded should be what is good, what is pure, what is beautiful, what we want to preserve in America, things that uplift not that tear down or insult other parts. That is not what should be publically funded. It should be more consensus art.

Obviously, there needs to be art that expresses dissent in society. And sometimes dissent eventually becomes the majority position. But it is not the job of the majority to fund with their tax dollars things that offend their fundamental beliefs in society.

I want to make a couple other points on this.

A book that made a big impression on me as I was growing up was "The Christian, the Arts, and Truth" by Frank Gaebel, the founder of the Stonybrook School on Long Island. I read this book many years ago because many times evangelicals have not been appreciative enough of the arts. The Catholic Church has. The Jewish faith has. But the evangelicals sometimes separated themselves. And we need to be more involved.

As Gaebel said in his book, though, "What is the function, the underlying purpose of art? What is it for? How many answers there are. Art exists to give pleasure, to edify, to represent or depict, to fulfill the artist's urge for making things, to tell us about life." He says, "This is another way of stating the criterion of durability. Art that is deeply true does not succumb to time. It stands up to the passage of the centuries."

The art we fund with public dollars should meet that standard.

Furthermore, another book that made a big impression on me was "How Should We Then Live," by Francis Schaeffer, a book on the arts and how Christians should look at the arts. And he shows how through the Reformation and through many things much of the great art and the great music in the world was created by Christians because they appreciated what was good and true and pure and things that came from our creator.

A new book, "Roaring Lambs," for which I and the gentleman from Pennsylvania (Mr. PITTS) and a number of others sponsored a musical celebration

here on the Hill with a number of artists, talks specifically about the problem of Christians dealing with art. And interestingly, in this book it says that we need to have a more positive role, which I absolutely agree with, and figure out how to promote the arts because it makes our lives so much richer, it criticizes some of those, who criticize the National Endowment for the Arts for being too negative.

Now, the dilemma I face here today is I have bent over backwards, and the gentleman from Arizona (Mr. SHADDEGG) who is the head of the Conservative Action Team, and the members of the Conservative Action Team, have bent over backwards to try to come up with a compromise saying we are not trying to stifle the arts, we are trying to stifle certain things that are extremely offensive to the overwhelming majority of the people and cannot stand the light of day.

So let me give my colleagues some more examples of what I am talking about.

The Manhattan Theater Club did "Corpus Christi." I already referred to that. And this year they got two more grants, not one but two grants.

Women Make Movies, and the gentleman from Michigan (Mr. HOEKSTRA) will be following me and talking about education through his subcommittee on education, showed that they got \$100,000 over a 3-year period for pornographic films such as "Sex Fish," "Watermelon Woman," and "Blood Sisters." They depict explicit lesbian pornography and oral sex. They got two grants last year after they told us this was going to be cleaned up.

The Woolly Mammoth Theater Company, which staged the "My Queer Body" play, where the performer describes on stage what it is like to have sex with another man, climbs naked into the lap of a spectator and attempts to arouse himself sexually in full view of the audience.

So what did we do in the National Endowment for the Arts? We funded it this year. After they in effect funded that play, we said, oh, well, we will fund that theater. They do great art.

Now, I cannot stand here and say they funded that play because they did not. It is too cute. They gave money to the theater after they did it.

My criterion is that sometimes we do not know what a theater is going to do in advance, but if they do things that offend the overwhelming majority of the American people, they should have their money taken away or not given to them the next year. But that is not the position of the NEA. They went right back. And this is an NEA that is claiming they are cleaning it up.

At the Whitney Museum of American Art, where they had previously done this famous so-called "Piss Christ" where the crucifix was in a jar of urine and they had another porn film on

"Sluts and Goddesses Video Workshop and How to be a Sex God in 100 Easy Steps," now they have a marquee for a crucifix, a naked Jesus Christ surrounded by sadomasochistic obscene imagery and many grotesque portrayals of corpses and body parts. They got \$40,000 this year.

The Walker Arts Center had an AIDS artist that pierced his body with needles, cut designs into the back of another man. He then blotted the man's blood with paper towels and set the towels over the audience on a clothes line.

This theater really needs our funding. I am glad my tax dollars are going to this theater.

The Walker Arts Center, and I used to live in Minneapolis, is a tremendous contemporary art theater. But they do not need our money. And if they are going to use money that gets comingled with funds in this way, they do not deserve to get the public money.

The New Museum of Contemporary Art in New York has an exhibit with Annie Sprinkle, whose pornographic and NEA funded works have already in the past caused problems. This new Schneeman exhibit includes film footage of the artist hanging naked from ropes and engaging in very graphic sex with her partner.

Well, this is great. They got \$10,000 this year to kind of thank them for their great public service.

Franklin Furnace, in New York, receives NEA funds and they usually also promote homosexuality and blast traditional morality.

In fact, the Woolly Mammoth says openly that the purpose of their theater is to challenge the established morality of our society.

I am really glad that my tax dollars are continuing to go to them. This is not a question of what has happened in the past. This is a question of what has happened this year in funding.

Now, the Theater for the New City, and I want to talk a little bit about this play in particular, they have a play that they did called the "Pope and the Witch."

□ 1445

They received \$30,000 before the play and this year we funded them again. I am going to read a review of "The Pope and the Witch" that actually views it from a fairly positive way. It is actually describing some of the controversies.

I have the wrong release in front of me, but basically the thrust of "The Pope and the Witch" and the reviewer in outlining the play says that, first off, the person who wrote this play, an Italian playwright, is a Communist, a member of the Communist party in Italy, and his goal was to contradict and undermine the Catholic church in Italy. So they come to America and we fund the theater, the stage, the performers before they perform the play and then this year we go back.

So what is this play? To show a paranoid Pope who is so paranoid that when 100,000 children gather in Vatican Square, he decides that this is a plot by condom manufacturers to embarrass the Catholic church. So he goes berserk in a paranoid way. So then a nun, who happens to be a little witch dressed up in a nun's outfit, kidnaps the Pope. They give a heroin needle, an insertion into the Pope whose head then clears up and he starts to distribute free heroin needles, advocate the legalization of drugs, and promote the distribution of birth control throughout the world now that the witch has helped him understand that drugs are a positive influence and birth control is a positive influence.

I am sure glad that our tax dollars are used to fund a theater that puts out something that bigoted against the Catholic church of the United States. Can you imagine if any theater in America did anything that bigoted against African Americans, against Jews, against many groups in America, but it is still okay to pick on and discriminate and insult Catholics who believe the Pope is a direct lineage from the original apostles and speaks for the Church and for God. That is okay. That is okay to give money to those theaters.

Now, Republicans and Democrats in this body and the Presidential candidates in both parties are busy saying, "Hollywood's bad. We need to clean up Hollywood. They have terrible things on TV." You heard me describe some of the terrible things that we are indirectly funding, the stages, the actors, the promotions, the lights, the overhead in these theaters with your tax dollars. Hollywood's dollars are their own. I want to clean up Hollywood, too. But how dare Members of Congress stand on this floor and in particular in the other body and say Hollywood is bad when we fund this here. How can you do that? Will the American voters look at us and say, "Man, you guys aren't very consistent there"?

We really do need to clean up America. People have a right to free speech. We can try to advocate what to do in the free speech arena, but we do not have to fund the speech. The court has already ruled that an artist does not have the right to be publicly subsidized. That is a privilege, not a right. It is something to build on, to uplift, to preserve. We have theaters and art museums and philharmonics that are drowning because they do not have enough money. We have places all through the Midwest and the West and the Plains and the South and little cities and little towns that need art funding.

But, no, we give it to these places that insult our basic values in America. It is beyond and it defies belief how those people can defend this type of funding. I hope that before the Interior

bill comes to the floor, a few people can see the light of day and work with our House leadership that has been steadfast in trying to work with rules. We have held out a compromise. We are not asking to eliminate NEA. We are not asking to cut NEA. We are actually willing to put more money into arts.

But I stand here before you and say there is nothing more important in my life than God. People can mock that. They can disagree with me. But if it was not for Jesus Christ, I believe that I would be lost. And I have a right to not have my tax dollars and my government do gratuitous insults to everything I believe, making my Lord and Savior a homosexual who is having affairs with the apostles when there is no historical evidence, when it is made up merely to rub it into my soul, so to speak.

As a Catholic, you have the right not to have your tax dollars insult the Pope and undermine him directly or indirectly. I am not arguing it is directly. I am arguing it is indirectly. I will make this point again. Do not play games with us. You will hear people stand up in the coming debate most likely and say that these things were not direct funded. I did not assert that they were direct funded. What I asserted was these are mostly repertory theaters. I am a business person. I understand the difference between variable, fixed and mixed costs. When you get a grant, some of that grant goes directly for the play, some of it goes to cover the overhead of the theater and some of it goes to cover what they call mixed costs that vary some with the thing. When you only have four plays in a season and we fund one of them, it is a disproportionate covering of your cost. Do not play games and tell the American people you are not funding these kind of plays. If you fund those theaters, you are funding those kind of plays.

We need the arts in America. We need the National Endowment for the Arts to stand up and say there is good art. We need to promote good art. We have a program called FAME in northeast Indiana that gets some NEA funds, where school kids all over our district in high schools, elementary and junior high kids touch into art and produce good and beautiful art. They do not produce the type of obscene things that we are funding here. Why do we not fund that? We fund the first chair in one of our philharmonic positions in the Fort Wayne Philharmonic so they can go out and teach music in the school and it helps our philharmonic to have a stronger first chair. That is a good use of art.

Why do we have to fund a homosexual Christ? Let them find the funding for that. If that theater wants to challenge the principles and the foundations upon which this country is and insult the religious beliefs of the ma-

majority of America, let them go raise the money to do it. Why do they have to get public money?

Members can tell I am very frustrated. It is hard for me to do this, because I have a number of things I have worked very hard for in this appropriations bill. We have worked hard for weeks to come up with a compromise. I am very disappointed that we are at this point where not only did the other body say that they would not even consider our last offer but then went and tried to blame it on the Conservative Action Team. A press release went out saying the Conservative Action Team signed off on this. We did not. The gentleman from Arizona (Mr. SHADEGG) has written the gentleman from Ohio (Mr. REGULA) about that. The leadership understands it. They are trying to address that. But misinformation went out and when we tried to work out an agreement that I have defined here, they turned that on us.

It is very frustrating. I am sorry that I have been so upset. I am sorry even that I had to read some of the graphic materials that I did. But sometimes as a Congressman, even if it is not in your best interest, you have to say, am I so compromised that I am unwilling to speak about things that matter most to my soul, matter most to my life? And am I so worried about every grant that I might get in some appropriations bill or that I might tick somebody off if I say these kinds of things, or that there might be retaliation later that I will not even speak out for the things that are most important to me, most important to my family, and that is my Lord and Savior.

I stand here today as someone who worked hard to come up with a compromise with others and I am deeply disappointed at the attitudes. I hope people will be held accountable and you will not let them off by trying to do a slide or by trying to say Hollywood is bad when we in fact are funding this type of activity indirectly through the Federal Government.

EDUCATION IN AMERICA

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for the remainder of the 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, today I want to talk about education. I want to talk about the Department of Education. I want to spend a little bit of time talking about our kids. And I want to spend a little bit of time talking about where we go from here.

The fastest growing program on our college campuses today is not computers, it is not high tech, it is not science and math. It is not foreign language. It is not political science. The

fastest growing program on college campuses today is remedial education. It means that our young people who are graduating from high school are entering college without the basic skills necessary to complete the work in their colleges.

We have been embarked on a program where we have had the opportunity to go around the country and visit 20 States and talk to educational leaders. In some of these hearings, we have had the opportunity to listen to our college presidents and deans on our college campuses. They came in and they said, "The most important thing you are doing for us, and make sure you don't decrease, as a matter of fact, make sure you increase funding for it, is increased funding for remedial education." After I heard this a few times, it is kind of like, you ask the question, you say what do you mean, what do you need remedial education dollars for on our college campuses? These are some of the best schools in America and you have got standards for the young people coming in. And they said, "Yes, but we've got a lot of people who we are admitting who are not functionally literate at an eighth grade level in reading, writing or math."

So the comment then became, we need the money to bring these kids up to the basic levels, and we forgot to ask the first question, which is, why are you not engaged with the people at the K-12 level to solve the problem at the K-12 level rather than accepting that as a condition and saying, "We're now going to see this as an opportunity for growth, to grow our programs on college campuses." But it is a symptom that says, we are not doing a good enough job at the K-12 level.

Another symptom is outlined in a document that has been prepared, it is called America's Education Recession. It outlines a couple of things that we need to be concerned about. It says that our young people not only as they enter college do a number of them need remediation, but it also says that when you test our kids at the 4th grade, 8th grade and 12th grade levels, they are not at grade proficiency, meaning they are not learning what we have expected them to learn by the time they are in the grade where we are testing them.

In America's highest poverty schools, 68 percent of fourth graders could not read at basic level in 1998 as measured by the National Assessment of Educational Progress. Students scoring below the basic fourth grade level were unable to read a simple children's book. That is our fourth graders.

The problem is that we see that in math as well as in reading. So we know that the fastest growing programs in our colleges are remediation. We know that our kids are not testing well when it comes to basic proficiencies. The question then comes up, how well do our kids perform when we compare

them to international standards? Or how well do our kids measure up to kids in other industrialized countries? What we find is in study after study, our kids do not measure up. In the math and science area, the Third International Math and Science Study, we compared American students with other students in industrialized countries. In math and science, we score 18 out of 21.

Who scores higher? The Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, France, New Zealand, Australia, Canada, Austria, Slovenia, Germany, Hungary, Italy, the Russian Federation, Lithuania, the Czech Republic, and then we have the United States. We are seeing enough symptoms that are saying we do have an education recession in America. An education recession does not say that all of our kids are doing poorly. What it does say is that we are leaving too many of our young people behind and we are leaving them behind in an area where we cannot afford to leave any child behind.

We have to have every young person in America developed to their fullest potential. We cannot afford to leave any child behind. Not only can we not afford it, but more importantly it is not the right thing to do. The right thing to do is to make sure that every one of our young people has the opportunity to succeed through the learning process.

As chairman of the Subcommittee on Oversight and Investigations for the Department of Education, we have had the opportunity to travel around the country to gather these statistics but also to take a look at educational programs that work and educational programs that do not. I will talk a little bit about those a little bit later, but going out into the grassroots and taking a look at our kids, our schools, our teachers and meeting with administrators and parents, we see lots of exciting things happening in education. But I am also tasked with taking a look at what is going on in the Department of Education, and is the Department of Education fostering innovation? Is the Department fostering excellence in our educational system?

□ 1500

In some cases, it is a barrier.

If we take a look at this chart right here, it does again give us some reason to be concerned. The title of the chart is "Show me the money." The problem is that we in Congress allocate and appropriate money to the different agencies. One of those agencies is the Department of Education.

The Department of Education, let me just scale it for you, is about a \$40 billion agency. That is how much we give the Department roughly each and every year to help administer and to help our kids at a local level achieve

their educational goals. In addition to that, they manage a loan portfolio of about \$100 billion. So it is about a \$140 billion agency.

The disturbing thing is that for the last 2 years, this agency has not been able to get a clean audit from the independent auditors that come in and take a look at this agency, look at its numbers, look at its policies and procedures to determine whether how they report the money being spent is actually the way that the money is spent.

They said, we looked at your books, we looked at what you said, we looked at your procedures, and, by taking a look at your procedures, we have reached the conclusion that we do not have a high degree of confidence that what you are reporting is actually the way that the money is being spent in the Department of Education. You have failed your audit.

The disappointing thing is that the Department of Education is one of only nine significant organizations in the Executive Branch that has been unable to get a clean audit. Other departments include the Department of Treasury, the Department of Justice, the Department of Defense, the Department of Agriculture, EPA, HUD, OPM and AID. Nine agencies cannot get a clean audit.

I came from the private sector, and I agree with something that the Vice President said in 1993, in a book that he prepared, he said creating a government that works better and costs less. It is a report of the National Performance Review, authored, or at least given credit to, by Vice President GORE. In this document he says, "In other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately." It would close it down immediately.

Now, we are not going to do that with the Department of Education. We cannot do that with the Department of Education, and we do not want to do that with the Department of Education. But I do believe it is time for this Congress and I believe it is time for the American people to demand some accountability for the \$40 billion, some of the most important money that we spend in Washington, to demand some accountability to the Department of Education and say where is that money going and how are you spending it?

We do know that in an environment where the auditors say we cannot give you a clean audit, we do know that in the private sector, that sends off the red flags and sets off the alarm bells, and it says there is a reason to be concerned here, because if they do not have the proper procedures or they do not have the proper control mechanisms in place, what you have done is created an environment that is ripe for waste, fraud and abuse.

So over the last year we have gone back, along with General Accounting Office and the Inspector General at the Department of Education, and said is there any waste or fraud within the Department of Education? Help us explore what is going on within the Department of Education, to let us know whether there are examples of waste, fraud and abuse.

The disappointing thing is the answer has come back a resounding yes. Let me give you some examples.

The first one is not a big example, except that it dramatically impacted the lives of 39 young people in America. Congratulations, you are not a winner. As taxpayers in America and as the Federal Government, we have decided we are going to reward young people who excel by giving them a Jacob Javits scholarship, which pays for 4 years of graduate school. It recognizes their achievement and it recognizes the achievement of their undergraduate schools in preparing them for graduate work.

Earlier this year we notified 39 young people that they had won the Jacob Javits scholarship. Two days later, after these kids were excited, called home, called mom and dad and said, "Hey, we won, isn't that great," I just dropped my daughter off at college this fall and I can tell you how excited I would be if I knew she had won a 4-year scholarship. Parents were excited, the undergraduate schools were excited because it recognized they had been successful and they were being recognized for their contributions and their success. The only problem was, 2 days later the Department of Education had to call them back and say, sorry, we called the wrong 39 young people.

Failing proofreading. In September 1999, remember, this is an agency that has a \$100 billion loan portfolio, they send their forms out where kids apply for additional financial aid. 3.5 million forms printed, 3.5 million forms printed incorrectly. The taxpayers in America, young people, lose \$720,000.

Dead and loving it. The Department of Education, when they give loans, they recognize if a young person becomes disabled or if they pass away, that it would be unrealistic for us to expect to collect on that loan. We forgave \$77 million in student loans. That is good news for those young people. It is even better news when they recognize that they were not disabled and they had not died.

A theft ring within the Department of Education. Because they did not have the proper controls in place, they had a purchasing agent who could order electronic equipment, including a 61-inch color TV, including Gateway computers, including VCRs, printers and the like, ordered \$330,000 worth of equipment. She could certify that the materials had been received at the Department of Education, certify that

they should be paid for. Only one problem, they were not delivered to the Department of Education, they were delivered around to individual homes around the Washington, D.C. area. All done through the phone guy. What was in it for the phone guy? The phone guy got paid \$660,000 for overtime that he did not work.

We provide one other program that says we are going to help school districts that have a big Federal installation that kind of eats up their tax base, we call it Impact Aid. Again, because we do not have the computer security in place, this summer, when a school district was supposed to receive its Impact Aid funds, we had someone, we are not quite sure because it is still under investigation, but what we do know is \$1.9 million did not go to two schools on Indian reservations in South Dakota, but it went into personal accounts here in Washington, D.C., and in this case they were caught by the car guy.

The car salesman caught this, because an individual went in to a Chevy dealer here in Maryland, and they wanted to buy a Corvette. The alarm bells went off for the car salesman, because he did a credit check on the person buying the Corvette. The credit check did not balance out. The guy called the FBI, and, rather than getting a Corvette, the person trying to buy the Corvette ended up with a date with the FBI. That is how we found out; not through the procedures at the Department of Education, but because the car guy called the FBI and said this does not check out.

All of this is in a context today where we recognize we want to invest in our kids.

I am glad to see my colleague from Wisconsin has joined us.

Again, I am saying we do not want to not invest in our kids, but what we are saying is if we are going to invest in our kids, or if we are going to invest in other areas, whether it is in Treasury, Justice, Defense or Agriculture, let us make sure there is accountability. We need to make sure that when an American taxpayer sends their money to Washington, that we hold that money in trust for them and we spend the money wisely.

I will yield to my colleague from Wisconsin to talk a little bit about where we are going with spending programs, and perhaps some areas where we have some concerns.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I notice the gentleman is here talking about how a lot of the money coming to Washington through our Federal tax dollars is getting wasted, it is getting misappropriated, there is actual fraud involved. So I thought that would be a fitting topic to discuss, what is the future?

As we go into this coming election, it is very important, as we look at the

waste, the fraud and the abuse, of how our taxpayer dollars are being spent here in Washington, it is important to take a look at what our two Presidential candidates are proposing with respect to spending the surplus from now for the next decade when they actually are in the oval office.

I think it is important that we note, there is a huge surplus. It is not just a Social Security surplus. We have a giant non-Social Security surplus, almost over \$5 trillion, coming into Washington over the next 10 years. As we take a look at this surplus, we are going back to our districts, talking to our constituents. When I go home to Wisconsin, my constituents tell me, first pay off the national debt, stop raiding the Social Security trust fund, fix the problems we have with Medicare, and if we are still overpaying our taxes, make sure we can have some of our money back, rather than spending it on new money in Washington.

These are the priorities that I am hearing as I am traveling back, and I think a lot of people are seeing this around the country.

Mr. HOEKSTRA. If the gentleman will just yield, I think you are helping us get the language right. A lot of people in Washington are talking about this as a Washington surplus, meaning that this is Washington's money. I think the gentleman has been very careful to point out this is not a Washington surplus, but this is a tax surplus. We are collecting more in taxes than what we need to run the Federal Government, so this is an overtaxation. This is not just Washington's money.

Mr. RYAN of Wisconsin. That is right. It is not Washington's money, it is America's money. As we take a look at this, let us take a look at the two different proposals being pushed right now by the two different Presidential candidates. I have here sort of an apples to apples comparison of the Gore budget and the Bush budget plan for America, should either of these two men become President of the United States.

When you take a look at the Gore budget, and this chart shows the surplus dollar, how each candidate plans to divide up every dollar of surplus coming from taxpayers to Washington. Well, it is not a question of whether you cut taxes or pay down the national debt; it is now a question of whether you cut taxes or spend the money in Washington.

Take a look at the pie over to my right, which is the Gore budget. Of every single surplus dollar, Vice President GORE is proposing to spend 46 cents, 46 cents of every surplus dollar coming from income tax overpayments, to be spent in Washington on new government programs on these Federal agencies. That is compared to George Bush's plan to spend 6 cents, 6

cents, of every surplus dollar in Washington on other programs here on Federal agencies.

It is a huge difference. It is \$2.1 trillion, about half of the surplus, the Vice President is proposing to keep in Washington and spend on government agencies, compared to Governor Bush's plan to spend \$278 billion.

But it goes beyond that. Mr. Bush has often been criticized for not paying down the debt. Nothing could be further from the truth. If you take a look Governor Bush's plan, he is actually dedicating 58 cents of the surplus dollar for the next 10 years towards shoring up Social Security and Medicare and paying off our national debt, to the tune of we will pay off the national debt in 12 years.

Vice President GORE? He says not so much should go to debt reduction, Social Security and Medicare. He wants to dedicate 36 cents of the surplus dollar toward those goals.

Where is the difference? Mr. Bush is proposing 29 cents of our surplus dollar to go back to the people it came from, the taxpayers; by eliminating the marriage tax penalty, by eliminating the death tax, by making health care more affordable through health care tax cuts, those kinds of things, making the tax code fairer for all Americans.

The Vice President is proposing a net tax cut of 7 cents, meaning Americans are projected to send a lot of extra money over to pay their taxes for the next 10 years, to the tune of about \$5 trillion. The Vice President is saying, let us give them 7 cents on the dollar back, and we will keep the money in Washington; 46 cents we will keep and spend, we will dedicate 36 cents to paying off the debt, shoring up Social Security and Medicare.

It is a completely different vision than what Governor Bush is proposing. He is saying his number one priority in the budget, pay down the debt, shore up Social Security and Medicare. Then, if people are still overpaying their taxes, give them their money back by reducing their tax bite. Take less out of the paychecks in Washington, rather than spending the money in Washington, which is precisely what Vice President GORE is proposing.

If you take a look the sum of the totals, as we examine these Federal agencies, the waste and the fraud and abuse that is occurring in these Federal agencies, Vice President GORE wants to fuel the flames. He wants to spend \$2.1 trillion of the hard-earned surplus in Washington on new programs and other Federal agencies.

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Compared to Bush's proposal to spend \$278 billion. So it is not a question of paying off the debt or cutting taxes. It is a question of paying off the debt, reducing taxes, or spending the money in Washington. And I think if

our constituents were faced with a choice of, after we pay off the debt, do we want to keep the money in Washington or do we want to have it back in our pocket, we think the people want to have it back in their pocket, and that is what the Bush plan is.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, we have been joined by the gentleman from Colorado (Mr. SCHAFFER). Put the chart back up that talks about the 6 cents in new spending that Governor Bush is talking about versus the 45 cents that the Vice President is talking about. The one thing that I think we have recognized, and the gentleman from Colorado served on the Subcommittee on Oversight and Investigations with me, we believe that there is tremendous leverage in the money that we are already spending, that there are ways to reform the way that we are spending the money.

Again, as an example, the Department of Education could get much more of a bang for our buck. And maybe the gentleman from Colorado would care to comment on some of the reforms that we are proposing, besides just being able to audit the books. I would think that just by having a clean set of books and knowing where our money is going, we could leverage significantly. But also the programs and the plans that we have, Straight A's, Dollars to the Classroom, regulatory flexibility.

I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, spending the money that the taxpayers send to Washington more wisely is always a goal, and a goal to which Republicans seem to be more deeply devoted to than our friends on the Democrat side of the aisle. We can see that from the budget suggestions made by the two presidential candidates. Vice President GORE would propose to spend more money. We contend that we can meet many of the needs that the Vice President has in mind, but we can do it not by spending more of the people's money; we can do it by spending the money we currently do spend more wisely, and spend it in a way that is much smarter.

Before I get to some of the specifics on how we can do that in education, I want to point out the overall impact, not just on how we divvy up these two equivalent pies of projected surplus revenue, but there is also a secondary impact we have to consider and that is the impact on the economy. Because spending more and more money in Washington, D.C., really is not the best way to stimulate positive economic growth. That is really the second part of the story.

The point is the tax relief. If we really can reduce taxes on the American people by 29 cents, versus the measly 7 cents that the Vice President has proposed, what we know is that Americans

do something better than government with money. They spend it wisely. They invest it wisely. They create more jobs. They create more wealth. And that is what we learned throughout economic history in America.

Tax relief actually allows us to pay down debt more quickly and allows us to do it in a more powerful way where Americans enjoy more freedom. So we want to do what Americans do all the time with their family budgets, and that is count every penny.

The gentleman mentioned the U.S. Department of Education.

Mr. HOEKSTRA. Mr. Speaker, I was going to mention, and neither one of my colleagues here today were here in 1993. I had the pleasure of serving my first year here in 1993, and other than that little blue sliver that is on the Gore plan of tax relief of 7 cents, the rest of it or the biggest chunk of it looks very much like the Clinton plan of 1993.

If my colleagues remember, if they were watching Washington, one of the most sought-after committees in 1993 was Committee on Public Works and Transportation, because the President came in and said we are in an economic crisis here. We have got to what? We have got to raise taxes so that there is more money here in Washington, and then we have to spend it because we can spend it more wisely.

I think there is a quote to that effect in Buffalo.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman would yield, I am very familiar with this quote because I think it goes to the different philosophies that are being represented here in Washington.

Two weeks after the President came right behind the gentleman there and gave the State of the Union address last year, where he talked about how we are going to use the government surplus, he went to Buffalo, New York, and talked to a packed crowd of tens of thousands of people. He said, with respect to the government surplus, the people's surplus, he said, quote, "We could give you your money back, but we would not be sure that you would spend it right," end quote.

Well, therein lies the philosophy. The people's money is spent right, so long as they spend their own money. The belief here in Washington, shared by President Clinton and Vice President GORE, is that we here in Washington know how to spend the people's money better than they do. There is a different school of thought; there is a different philosophy which we share that people know how to spend their own money better. People know how to take care of their children, their grandparents, their parents much better than some distant bureaucrats in Washington do.

So these two pie charts here, the visions, the blueprints about how to

divvy up the surplus, they are more than just numbers, more than just budgets. They are twin visions. They are two different visions.

The Gore vision here on how to treat the surplus is to spend the bulk of the money in Washington. Spend the bulk of our families' budgets in Washington on more programs, on more agencies so that Washington can try and come up with a solution to solve the problems in our lives.

The different vision, the Bush vision proposed in the Bush plan is to pay down our debts so our children and grandchildren can inherit a debt-free Nation from our efforts. And as people are still overpaying their taxes, here is the critical part, do not think that Washington can spend money better than people can. Give people their money back and make the Tax Code much more fair and simpler so that they can move on and live and grow businesses and raise their families.

So the vision here is very stark. It is very different. The Gore vision: spend the money in Washington, keep it in Washington, pay off the debt at a slower pace. If we actually add these numbers up, this \$2.1 trillion spending increase that the Vice President is proposing, it is the largest proposed spending increase in the Federal Government in 30 years. Not since Lyndon Johnson has a spending increase been proposed. It is so large that if we add it all up, it forces the Vice President to go and raid the Social Security trust fund by \$906 billion. He spends so much money, it is over \$906 billion.

The answer then is either dip into Social Security or raise taxes if we want to satisfy all of the Vice President's spending desires. That is not what the Bush plan is doing. That is not what we are trying to get done. Pay off the debt, shore up Social Security and Medicare, and as people are continuing to overpay their taxes, give them their money back rather than spend it on new programs in Washington. That is the difference in visions that these two alternatives present.

Mr. HOEKSTRA. Mr. Speaker, again reclaiming my time, I think my colleague from Colorado is going to talk a little bit about the difference in vision on education, which I think is very much the same thing. What we see here in front of us is one that is a Washington-based plan versus one that says we are going to take care of business here in Washington, which is paying down the debt.

But other than that, we are going to give the money back to the American people who sent it here in the first place. We are going to trust them. I think it is very similar to the differences that we have here envisioned in where we are going to go with education.

Mr. Speaker, I yield to the gentleman from Colorado.

Mr. SCHAFFER. Start with our Dollars to the Classroom philosophy and the legislation that we have pushed as one of our top education priorities and let us use that example by comparing how an American taxpayer would spend their money versus how Washington currently spends its money on education today.

If a taxpayer, who is represented by the blue sections of the chart, and where we think surplus money ought to go, versus the Vice President, which is next to nothing, let us suppose that taxpayer would want to budget that tax savings for a new washing machine. That family would expect that 100 percent of the money they budget for the washing machine would go to the actual purchase of the washing machine.

But in Washington when we say education is a high priority, somehow people in Washington are just content to see only 60 percent of the money budgeted for education actually ever make it to a classroom. Now that is a huge distinction in how Americans view fiscal responsibility versus how government views fiscal responsibility. Republicans have a different way.

Clinton and GORE, they have been in the White House now for 8 years. They have had their opportunity to try to use the money that the Americans have sent here and spend it wisely, and we share their sincerity that we want to help children. But we are not for all the waste that for 8 years they have been willing to endure and sustain.

Sixty percent out of every education dollar is all that makes it to a child's classroom. Our goal is to tell the Department of Education, "We do not care how difficult it is. We do not care about your silly rules, your silly regulations, your old ways of doing business, the status quo over there in that nice office building. We demand that 95 percent of every dollar spent on education get to a child, get to a classroom. We will give you the 5 percent for overhead and administrative costs." That is what most other charities spend for overhead. The Federal Government ought to be held to the same standard that Americans insist on on a day-by-day basis.

Wasting cash, hemorrhaging money, maybe that is the way the Clinton-Gore regime is inclined to spend money and they feel comfortable with that. We have a different way, and we are fortunate that we have a governor in Texas that has shown real leadership and he will join us, given the opportunity.

Mr. Speaker, I yield back to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I think we know how and why we lose 45 to 60 cents when we create a program here in Washington. There have been hundreds since we have been here. They were here when we got here, but there are hundreds of programs.

We have to tell a local school district that, hey, we have a program for this to buy computers, a technology program. So we pass a program. The Education Department has to notify these school districts. These school districts then have to apply for the money. So they have to go through the process of filling out these forms. We then have the people within the Department of Education who sort these applications out and say this group over here gets them and, sorry, you do not. So we send a check to this local school district.

That local school district then has to track that money. So if it is coming in for technology, they have to segregate that money, they have got to make sure that it is spent on computers and nothing else, technology. They then send the forms back to the Department of Education and say, yes, we spent it on exactly what this program was for. And then the Department of Education knows that they cannot trust those people at the local level, so they send their auditors in to make sure that the way the money was reported spent is actually the way the money was spent.

It is kind of interesting, I have talked to some of my school districts who have gone through an audit by the Department of Education. They say it is absolutely brutal. They have to document every penny, every dime, and all of this. And these are the people that know our kids' names. And they are going through this process when we have a Department of Education that cannot keep its own books here in Washington.

Mr. SCHAFFER. Mr. Speaker, it is an unfortunate tragedy that in 1998, the U.S. Department of Education could not audit its books. We are concerned now about the inability of the Department to pass an audit of their Department. But in 1998, the books were so poorly managed, the finances were so badly mismanaged, that they could not even audit the books. The documents were not even in an auditable state, let alone letting us get to the point of finding out where the money really went.

We have managed to improve things slightly, only so that we know now that the U.S. Department of Education fails those audits when we can actually sit down and add the money up.

So our goal is for financial accountability and responsibility. We want to manage the funds that are spent today. If we can get that 40 cents back that today is squandered and wasted and misdirected away from children's classrooms, we do not need the new spending. We can actually increase the amount of money spent on children without increasing one dime, the amount of money budgeted for education, just by cutting out the waste fraud and abuse in the Department of Education.

Mr. RYAN of Wisconsin. Mr. Speaker, I have an education advisory board which consists of parents, teachers, school board members, administrators, superintendents from all around southern Wisconsin; and I am always asking them for ideas, asking them what kinds of reforms do they think Washington needs to make their job better, to help them improve the quality of education in southern Wisconsin.

Does my colleague know what they always say? Get off of our backs. The fact that Washington only sends 6 cents of the education dollar that is spent on education in all of our school districts, but promulgates over 50 percent of the regulations is astounding. Six cents on the dollar come from Washington; 94 cents on average are coming from local property taxes and local and State money. Yet over half of the unfunded mandates are imposed from Washington on our local school districts.

What astounds me is that just in my area of Wisconsin that I come from, we have school districts that have very interesting and unique problems. Racine, Wisconsin, has school district problems that are so unique to those in Beloit, Wisconsin, or those in Janesville, Wisconsin, but let alone the problems that may exist in Harlem or in Los Angeles or in New Mexico. In this kind of country, in a vast and differing Nation, to subject our school districts to one-size-fits-all, cookie-cutter solutions where we give them a little bit of the money, but all of the mandates. It is strangling our schools and strangling innovation.

I see that we are running out of time, but I think it is very important to point out they do not have all the answers in Washington. And in fact when we try to inflict these answers on our local school districts, we are doing more harm than good in many cases.

□ 1530

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFER) for joining me this afternoon. I mean there are two different visions here; there is a Washington-based vision and there is a local vision. We are focused on the local vision.

REGARDING UNSUBSTANTIATED SENSATIONAL ALLEGATIONS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. WAXMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, as Members of Congress, we have a responsibility to exercise oversight over a wide range of issues. This is one of our most fundamental obligations, and it includes investigating potential problems, both in the executive branch and the private sector.

Mr. Speaker, along with that responsibility comes extraordinary power. We have the power to require citizens to come before us and respond to detailed questions about their lives. We have the power to require citizens to provide us with their most sensitive personal information, including their bank records, telephone logs and diaries.

And when we make allegations about the conduct of citizens, our statements are broadcast on television and radio and printed in newspapers all across the country. We thus have the power to permanently tarnish individuals' reputations. So it is essential that when we fulfill our responsibilities to investigate, we investigate responsibly and be accountable for what we do.

When we make a serious charge about an individual's conduct, we should be certain of the accuracy of our accusation. If we later learn of information that refutes that charge, we ought to correct the record. And when we harm individuals by making charges that are wrong, we ought to apologize.

Wen Ho Lee has been in the news a lot recently. Many Members of Congress have been justly critical of the irreparable damage that has been done to his reputation. No one should be subject to unfounded smears by government officials. But, unfortunately, over the past several years, a pattern has emerged in which Members of Congress have done just that.

Members of Congress have repeatedly made sensational public allegations against individual American citizens. Many of these initial allegations have received widespread coverage in the media. Further investigation, however, often has shown that the allegations are unsupported by the facts. And when the facts eventually do emerge, the news media inevitably gives little attention to the truth, and the public record is rarely corrected.

Let me give you an example: In June 1997, former Representative Gerald Solomon, the chairman of the House Rules Committee claimed he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fund-raiser, had "committed economic espionage and breached our national security."

This allegation of espionage was very serious. It amounted to a claim of treason, the most serious accusation that can be brought against an American. It was reported on national television and in newspapers across the country.

But it turns out that that allegation was based on nothing more than gossip at a reception. When the FBI interviewed Mr. Solomon about this allegation, he told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation, that a Department of Commerce employee had passed classified information to a foreign government."

According to the FBI interview notes, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Representative Solomon did not know who the staffer was.

In a second interview with the FBI, Representative Solomon recalled that what the staffer said to him was, "Congressman, you might like to know that you were right there was someone at Commerce giving out information."

Again, in this interview, Representative Solomon told the FBI that he did not know the name of the staffer who made this comment. In fact, the only way Mr. Solomon could identify the staffer was to describe him as "a male in his 30s or 40s, approximately 5 feet, 10 inches tall with brownish hair."

Mr. Speaker, here is another example: In June 1999, Representative DAN BURTON issued a press release accusing Defense Department officials, including Colonel Raymond A. Willson of attempting to tamper with the computer of a committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency, sometimes known as DTRA.

Mr. BURTON alleged, "While Dr. Leitner was telling my committee about the retaliation he suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."

But Colonel Willson did not tamper with Dr. Leitner's computer; both the committee and the Air Force Office of Special Investigations conducted investigations and found that Colonel Willson had done nothing improper.

It turns out that the incident at issue was nothing more than a routine effort to obtain files in the witness' computer that were necessary to complete an already overdue project.

I regret to say that I am unaware of any public apology by Mr. BURTON or Mr. Solomon for making these sensational allegations about Colonel Willson or Mr. Huang.

Now, it is true that Mr. Huang has admitted involvement in conduit campaign contributions between 1992 and 1994, but Members of Congress should be accountable for their allegations regardless of whether the individual targeted has committed other wrongdoings.

There have been many others who have been the target of unsubstantiated claims by Members of Congress, and who have yet to receive a public apology. Many of these allegations have focused on individuals in the administration. I believe that this pattern reflects a significant abuse of the serious powers that have been entrusted to us.

I asked my staff to compile a report on unsubstantiated sensational allegations that have been made over the

past few years. This report describes 25 of the most widely publicized of such allegations, as well as the facts that have been uncovered regarding the allegations.

Mr. Speaker, I will enter this report into the RECORD at the conclusion of my remarks.

I would like to take this opportunity today to set the record straight about at least some of the many wild claims that have been made.

One of these allegations involves a very sad incident in 1993, in which Deputy White House Counsel Vince Foster was found dead in a nearby park. In 1994 and 1995, Mr. BURTON suggested numerous times on the floor of the House that Mr. Foster had been murdered and that his murder was related to the investigation into President and Hillary Clinton's involvement in the White-water land deal.

Mr. BURTON's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."

On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "the overwhelming weight of the evidence compels the conclusion that Vincent Foster committed suicide."

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded "the available evidence points clearly to suicide as the manner of death." No further statements have been made by Representative BURTON who made the allegation of foul play or murder.

Let us turn to another allegation. In June 1996, Representative BURTON claimed that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."

Committee Republicans also released a report suggesting that the files were being used by the Clinton administration to compile a "hit list" or an "enemies list." Just yesterday, a Member of the Republican House leadership again referred to this charge on a nationally syndicated radio program, but these allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated.

The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report of the Independent Counsel Robert Ray in March 2000, "neither Anthony Marceca nor

any senior White House official or First Lady Hillary Rodham Clinton engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff."

The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated that Mr. Marceca was truthful when he testified that "no senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."

The next allegation I am going to describe has occupied the House Committee on Government Reform for the past 4 years. Beginning in 1996, Representative BURTON and other Republican leaders suggested that there was a conspiracy between the Chinese Government and the Clinton administration to violate Federal campaign finance laws and improperly influence the outcome of the 1996 Presidential election.

In a February 1997 interview on national television, Mr. BURTON stated if the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it, because that is a felony, and you're selling this country's security, economic security or whatever to a Communist power.

Then on the House floor in June 1997, Representative BURTON alleged a "massive" Chinese conspiracy. He said we are investigating a possible massive scheme of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese Government at the highest levels decided to infiltrate our political system.

Although the House Committee on Government Reform to date has spent 4 years and over \$8 million investigating these allegations, no evidence was provided to the committee to substantiate the claim that the administration was "selling or giving information to the Chinese in exchange for political contributions," and no evidence was provided to the committee that the Chinese Government carried out a "massive scheme" to influence the election of President Clinton.

□ 1545

In August 1997, several Republican leaders called for an independent counsel to investigate allegations that Former Secretary Hazel O'Leary had in effect "shaken down" Democratic donor Johnny Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. For example, on national television, Republican National Committee Chairman Jim Nicholson stated, "We need independent investigation made of people like Hazel O'Leary."

But it turns out there was no such misconduct by Secretary O'Leary. A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation." In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.

Another allegation. On national television in September 1997, the gentleman from Indiana (Mr. BURTON) suggested that the Clinton administration was engaging in an abuse of power by using the Internal Revenue Service, the IRS, to retaliate against the President's political enemies.

The Washington Times also quoted the gentleman from Indiana (Mr. BURTON) as stating, "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people, all of whom have an adversarial relationship with the President, being audited?" That was his quote.

These remarks by the gentleman from Indiana (Mr. BURTON) concerned allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several nonprofit tax-exempt organizations that supported positions different from those of the Clinton administration were being audited while other organizations favoring policies of the Clinton administration were not.

The Joint Committee on Taxation conducted a 3-year bipartisan investigation of these allegations. In March, 2000, the committee reported that it had found no evidence of politically motivated IRS audits. Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization."

Further, the report found "no credible evidence of intervention by Clinton administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) tax-exempt organizations for examination." Another allegation that was made that was not substantiated and, when the facts came out, were not supported by those facts.

Another example. In October of 1997, the gentleman from Indiana (Mr. BURTON) held a hearing in the Committee on Government Reform in which he said he would produce evidence of "blatantly illegal activity by a senior national party official" in the Democratic National Committee. The star witness at that hearing, David Wang, alleged that the then DNC official John

Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.

But it was not John Huang who had solicited Mr. Wang. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang had been in New York, not Los Angeles, on the day in question. Democratic fund-raiser Charlie Trie subsequently appeared before the committee and acknowledged that it had been he and an individual named Antonio Pan, not Mr. Huang, who had solicited the conduit contribution.

Members of the committee have repeatedly asked that the committee officially correct the record on this matter because of this false charge against Mr. Huang, but the gentleman from Indiana (Mr. BURTON) has refused to do so.

Another example. In October 1997, the gentleman from Indiana (Mr. BURTON) also appeared on national television and suggested that the White House had deliberately altered videotapes of Presidential fund-raising events. On CBS's "Face the Nation", he said, "We think maybe some of those tapes may have been cut off intentionally, they've been, you know, altered in some way." He also said that he might hire lip readers to examine the tapes to figure out what was being said on the tapes.

Well, investigations by the House Committee on Government Reform and the Senate Governmental Affairs Committee, however, including review by a technical expert hired by the Senate committee, produced no evidence of any tampering with the tapes.

My colleagues might remember some of these examples because they all were prominently mentioned in the press at the time the allegations were made.

In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton administration of selling burial plots in Arlington National Cemetery for campaign contributions. Republican Party Chairman Jim Nicholson accused the administration of a despicable political scheme, and several Republican leaders, including the gentleman from Indiana (Mr. BURTON), called for investigations. Former Representative Gerald Solomon stated "this latest outrage is one more slap in the face of every American who ever wore the uniform of their country, who seem to be special objects of contempt in this administration."

The General Accounting Office then conducted an independent review of the allegations that waivers to the burial plot eligibility requirements were granted in exchange for political contributions. In January 1998, GAO stated, "We found no evidence in the records we reviewed to support recent media reports that political contribu-

tions have played a role in waiver decisions."

Further, the GAO said, and I am quoting again from them, "Where the records show some involvement or interest in a particular case on the part of the President, Executive Branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."

Another example. In January 1998, the gentleman from Indiana (Mr. BURTON) held 4 days of hearings in the Committee on Government Reform regarding whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, the gentleman from Indiana (Mr. BURTON) alleged that the decision was a political payoff and that it stinks and smells.

Well, on August 22, however, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding from her report, I now quote, "A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC."

The next allegation is not only unsubstantiated, but it involved the inappropriate disclosure of very private information. The allegation concerns Webster Hubbell, who was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Littlerock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months. During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping of phone calls is standard procedure in Federal prisons.

Well, the tapes of Mr. Hubbell's phone calls were turned over to the Committee on Government Reform. As the Justice Department advised the committee, the tapes were protected by the Privacy Act and were not supposed to be released publicly. Nevertheless, the gentleman from Indiana (Mr. BURTON) released the document in April of 1998 entitled the "Hubbell Master Tape Log", which contained what were purported to be excerpts from these tapes. It was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements by Mr. Hubbell.

For example, according to the transcripts of the gentleman from Indiana (Mr. BURTON), if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" in order to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "you are opening Hillary up to all of this", and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary", and "So, I need to roll over one more time." These quotes were taken from a 2-hour conversation between the Hubbells.

The "Hubbell Master Tape Log", however, omitted a later portion of the same conversation that exonerates the First Lady. This included the following remarks exchanged between Mr. Hubbell and his wife:

Mr. Hubbell: "Okay, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she had never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this."

Mrs. Hubbell: "They wouldn't have let her if she tried."

Mr. Hubbell: "Of course not."

The "Hubbell Master Tape Log" of the gentleman from Indiana (Mr. BURTON) also included a passage in which Mr. Hubbell allegedly said, "The Riady is just not easy to do business with me while I'm here." Mr. Riady, by the way, was a well-known figure in these campaign contributions that had been under investigation. In fact, the actual tape states, "The reality is it's just not easy to do business with me while I'm here." He misrepresented the word "reality" for "Riady".

Another example, and I want it on the RECORD in hopes that maybe someone will find this RECORD maybe in the press and report the corrections for maybe nearly as large as the original sensational allegations.

In April 1998, the gentleman from Indiana (Mr. BURTON) sought immunity from the Committee on Government Reform for four witnesses: Nancy Lee, Irene Wu, Larry Huang, and Kent La. He and other Republican leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese Government during the 1996 elections.

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system." The gentleman from Ohio (Mr. BOEHNER) alleged that the witnesses had "direct knowledge about how the Chinese Government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk." That is his quote.

□ 1600

But after the committee provided these witnesses with immunity, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Noral Lum were to register voters and serve as a volunteer cook.

One Member even suggested that the President could have committed treason. In May 1998, the gentleman from Pennsylvania (Mr. WELDON) made remarks on the House floor regarding allegations that the political contributions of the chief executive officer of Loral Corporation, Bernard Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. The gentleman from Pennsylvania (Mr. WELDON) described this issue as a, "Scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years." And said further, "This scandal involves potential treason."

The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded. In August 1998, Lee Radek, chief of the department's public integrity section, wrote that "there is not a scintilla of evidence or information that the President was corruptly influenced by Bernard Schwartz." Charles La Bella, then head of the department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."

I have not heard that the gentleman from Pennsylvania has given any apologies.

The House select committee investigated allegations relating to United States technology transfer to China and whether campaign contributions influenced export control decisions. In May 1999, the committee findings were made public. The committee's bipartisan findings also did not substantiate the suggestion of the gentleman from Pennsylvania of treason by the President.

In recent years, some Members have even engaged in a practice of asking the Department of Justice to consider criminal charges against individuals who have provided testimony that is inconsistent with Members' theories, and I want to go into that, but I do want to point out that to make a statement that the President of the United States has committed treason, to make it on the floor of the House of Representatives, to have it in the press by people who are in our government, elected by their constituents, is a serious matter. And to find later that a charge like that was unsubstantiated, it has got to bother all of us.

We have had a series of Members, when they found statements made that they did not think were what they wanted to hear, they have sent letters to the Justice Department and then they have asked the Justice Department to say that those statements and testimony that were inconsistent with their views ought to be prosecuted; they ought to be prosecuted as criminal matters. I will give some examples.

In September 1998, the gentleman from Indiana (Mr. McINTOSH) sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice. He told *The Washington Post* that there was, "very strong evidence," that Ms. Mills lied to Congress. But the claims of the gentleman from Indiana were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages produced to the House Committee on Government Reform and Oversight were not responsive to a request from the gentleman from Indiana, while the gentleman from Indiana believed that the two documents were responsive.

Instead of viewing this disagreement as a difference in judgment, the gentleman from Indiana charged that Ms. Mills was obstructing justice and that she lied to the committee. The Justice Department investigated the allegations by the gentleman from Indiana and found them to be without merit.

Over the past several years, the gentleman from Indiana (Mr. BURTON) has made similar referrals to the Department of Justice regarding three other individuals who testified before the House Committee on Government Reform and Oversight. Now, not all mistaken allegations are made with an intent to intimidate or cause harm. Not all are made with a knowing disregard of the facts. Sometimes such allegations simply reflect sloppy investigative work. But the allegations of Members of Congress are not just words. Publication of such allegations in the newspaper can cause an individual embarrassment in their community.

Can anybody listening to me imagine an allegation being made about them, that they committed a crime; how they would feel; how their reputation might be tarnished. Defending against an allegation can cause individuals to wrack up thousands, sometimes hundreds of thousands of dollars in legal fees. Particularly in light of the powerful impact our words can have on the lives of individuals, when we learn that our allegations are not true, we ought to do everything we can to remedy the harm our mistakes have caused.

I am saddened and disturbed at the pattern we have seen over recent years, where Members of Congress have failed to take responsibility for their sensational claims. Today, I have described just some examples of the many allega-

tions that should be corrected. There are more in this report that I am entering into the RECORD, and there are additional unsubstantiated claims beyond those that are in this report. I have spoken today because I believe this record must be corrected.

The American people have entrusted the House of Representatives with extraordinary powers. The institution as a whole suffers when its Members are not accountable for the exercise of these powers. The American public should be able to trust that when we conduct oversight, we will act responsibly and that we will not impugn the integrity of others with unsubstantiated attacks. The fact that they are in a different political party does not justify that. The fact they may disagree with some of our own political views does not justify making serious and unsubstantiated allegations to tarnish them.

The least we can do, if we act so irresponsibly to make these kinds of allegations, is to put the facts about such allegations in the CONGRESSIONAL RECORD; and the facts, when they show the allegations were not true, should serve as the basis for Members to publicly announce their error.

To accuse someone of treason, to accuse someone of perjury, to accuse someone of obstruction of justice, and then to find those charges were not true, not even to say you are sorry and to correct the record and apologize, the only thing I can say to those Members who have done that, after all that, have you no decency?

The least we can do is to correct the facts, correct the allegations, to make apologies, even though we all know the truth never catches up with the lie. The headline of the front page, which is the allegation, never gets corrected by the page 25 story that says that the original allegation was not true.

Mr. Speaker, the committee report I referred to earlier is submitted for the RECORD herewith:

[Prepared for Rep. Henry A. Waxman, Minority Staff Report, Committee on Government Reform, U.S. House of Representatives—September 2000]

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

Over the past eight years, Chairman Dan Burton of the House Government Reform Committee and other Republican leaders have repeatedly made sensational allegations of wrongdoing by the Clinton Administration. In pursuing such allegations, Chairman Burton alone has issued over 900 subpoenas; obtained over 2 million pages of documents; and interviewed, deposed, or called to testify over 350 witnesses. The estimated cost to the taxpayer of investigating these allegations has exceeded \$23 million.¹

Chairman Burton or other Republicans have suggested that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal;

¹Footnotes at end of article.

that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House altered videotapes of White House coffees to conceal wrongdoing; that the Clinton Administration sold burial plots in Arlington National Cemetery; that prison tape recordings showed that former Associate Attorney General Webster Hubbell was paid off for his silence; and that the Attorney General intentionally misled Congress about Waco.

This report is not intended to suggest that President Clinton or his Administration have always acted properly. There have obviously been instances of mistakes and misconduct that deserve investigation. But frequently the Republican approach—regardless of the facts—has been "accuse first, investigate later." Further investigation then often shows the allegations to be unsubstantiated. In fact, FBI interviews showed that one widely publicized Republican allegation was based on nothing more than gossip at a congressional reception.

This approach has done great harm to reputations. The unsubstantiated accusations have frequently received widespread attention. For example, Chairman Burton's allegation regarding White House videotape alteration received widespread media coverage. It was reported by numerous television news programs, including CBS Morning News,² CBS This Morning,³ NBC News at Sunrise,⁴ NBC's Today,⁵ ABC World News Sunday,⁶ CNN Early Prime,⁷ CNN Morning News,⁸ CNN's Headline News,⁹ CNN's Early Edition,¹⁰ Fox's Morning News,¹¹ and Fox News Now/Fox In Depth.¹² In addition, newspapers across the country, including the Washington Post,¹³ the Las Vegas Review-Journal,¹⁴ the Houston Chronicle,¹⁵ the Commercial Appeal,¹⁶ and the Sun-Sentinel,¹⁷ published stories focusing on the allegation. Two months later, when Senator Fred Thompson announced that there was no evidence that the videotapes had been doctored, there was minimal press coverage of his statement.¹⁸

The discussion below examines the facts—and lack thereof—underlying 25 of the most highly publicized allegations.

Allegation: During 1994 and 1995, Chairman Burton suggested numerous times on the House floor that Deputy White House Counsel Vince Foster had been murdered and that his murder was related to the investigation into President and Hillary Clinton's involvement in the Whitewater land deal.¹⁹

The Facts: Chairman Burton's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that . . . Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."²⁰ On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "[t]he overwhelming weight of the evidence compels the conclusion . . . that Vincent Foster committed suicide."²¹

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded: "The available evidence points clearly to suicide as the manner of death."²²

Allegation: In 1995 and 1996, Republicans alleged that the White House fired the em-

ployees of the White House travel office so that White House travel business would be given to Harry Thomason, a political supporter of President Clinton. The Chairman of the House Committee on Government Reform and Oversight, William F. Clinger, said he saw the First Lady's "fingerprints" on efforts to cover up and lie about the travel office firings.²³ Discussing the travel office matter, Rep. Dan Burton said, "The First Lady, according to the notes we have, has lied."²⁴

The Facts: In June 2000, the Office of the Independent Counsel issued a press release announcing that its investigation into the Travel Office matter had concluded. Independent Counsel Robert Ray stated:

"This Office has now concluded its investigation into allegations relating to . . . Mrs. Clinton's statements and testimony concerning the Travel Office firings and has fully discharged [her] from criminal liability for matters within this Office's jurisdiction in the Travel Office matter."²⁵

Allegation: In June 1996, Chairman Burton alleged that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."²⁶ Committee Republicans also released a report suggesting that the files were being used by the Clinton Administration to compile a "hit list" or an "enemies list."²⁷

The Facts: These allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated. The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee who had requested the FBI background files at issue, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report issued by Independent Counsel Ray in March 2000, "neither Anthony Marceca nor any senior White House official, or First Lady Hillary Rodham Clinton, engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff." The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated Mr. Marceca was truthful when he testified that "[n]o senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."²⁸

Allegation: Beginning in 1996, Chairman Burton and other Republican leaders suggested that there was a conspiracy between the Chinese government and the Clinton Administration to violate federal campaign finance laws and improperly influence the outcome of the 1996 presidential election. In a February 1997 interview on national television, Chairman Burton stated:

"If the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it because that's a felony, and you're selling this country's security—economic security or whatever to a communist power."²⁹

Further, on the House floor in June 1997, Chairman Burton alleged a "massive" Chinese conspiracy:

"We are investigating a possible massive scheme . . . of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese government at the highest levels decided to infiltrate our political system."³⁰

The Facts: The House Government Reform Committee to date has spent four years and

over \$8 million investigating these allegations. No evidence provided to the Committee substantiates the claim that the Administration was "selling or giving information to the Chinese in exchange for political contributions."

The FBI obtained some evidence that China had a plan to try to influence congressional elections.³¹ However, no evidence was provided to the Committee that the Chinese government carried out a "massive scheme" to influence the election of President Clinton.

Allegation: In June 1997, Rep. Gerald Solomon, the Chairman of the House Rules Committee, claimed that he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fundraiser, had "committed economic espionage and breached our national security." This allegation was reported on national television and in many newspapers across the country.³²

The Facts: In August 1997, and again in February 1998, Rep. Solomon was interviewed by the FBI to determine the basis of Rep. Solomon's allegations. During the first interview, Rep. Solomon told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation that a Department of Commerce employee had passed classified information to a foreign government." According to the FBI notes on the Solomon interview, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Rep. Solomon did not know who the staffer was.³³

In his second interview with the FBI, Rep. Solomon recalled that what the staffer said to him was: "Congressman you might like to know that you were right there was someone at Commerce giving out information." Again in this interview, Rep. Solomon told the FBI that he did not know the name of the staffer who made this comment.³⁴

Allegation: In August 1997, several Republican leaders called for an independent counsel to investigate allegations by Democratic donor Johnny Chung that former Energy Secretary Hazel O'Leary had, in effect, "shaken down" Mr. Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. On national television, Republican National Committee Chairman Jim Nicholson stated, "[W]e need independent investigation made of people like Hazel O'Leary."³⁵ Rep. Gerald Solomon, the chairman of the House Rules Committee, criticized the Attorney General for being "intransigent" in refusing to appoint an independent counsel.³⁶

The Facts: A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation."³⁷ In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.³⁸

Allegation: In September 1997, Chairman Burton suggested on national television that the Clinton Administration was engaging in an "abuse of power" by using the Internal Revenue Service (IRS) to retaliate against the President's political enemies.³⁹ The Washington Times also quoted the Chairman as stating: "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people—all of whom have an adversarial relationship with the President—being audited?"⁴⁰

The Facts: The Chairman's remarks related to allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several non-profit tax-exempt organizations that supported positions different from those of the Clinton Administration were being audited while other organizations favored by the Administration were not.⁴¹

The Joint Committee on Taxation conducted a three-year bipartisan investigation of these allegations. In March 2000, the Committee reported that it had found no evidence of politically motivated IRS audits.⁴² Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization." Further, the report found "no credible evidence of intervention by Clinton Administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) tax-exempt organizations for examination."⁴³

Allegation: In October 1997, Chairman Burton held a hearing which he claimed would produce evidence of "blatantly illegal activity by a senior national party official."⁴⁴ The star witness at that hearing, David Wang, alleged that then-DNC official John Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.⁴⁵

The Facts: It was Charlie Trie and his associate Antonio Pan, not John Huang, who solicited Mr. Wang. Unlike Mr. Huang, Mr. Trie and Mr. Pan were never "senior officials" at the DNC. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang had been in New York, not Los Angeles, on the day in question.⁴⁶ Mr. Huang later testified before the Committee and denied Mr. Wang's allegations. On March 1, 2000, Democratic fundraiser Charlie Trie appeared before the Committee and acknowledged that it had been he and Mr. Pan, not Mr. Huang, who had solicited the conduit contribution.⁴⁸

Allegation: At an October 1997 hearing before the House Committee on Government Reform and Oversight, Chairman Burton publicly released a proffer from Democratic fundraisers Gene and Nora Lum. Chairman Burton stated that the proffer indicated that "the solicitation and utilization of foreign money and conduit payments did not begin after the Republicans won control of the Congress in 1994. Rather, it appears that the seeds of today's scandals may have been planted as early as 1991."⁴⁹ Specifically, the proffer suggested that President Clinton endorsed the candidacy of a foreign leader in exchange for campaign contributions.⁵⁰ This allegation was reported in the Washington Post in an article entitled "Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined," and in other national media.⁵¹

The Facts: To investigate this allegation and other allegations concerning the Lums, Chairman Burton issued nearly 200 information requests that resulted in the receipt of over 40,000 pages of documents, 50 audiotapes, a videotape and numerous depositions. After this extensive investigation, however, the Chairman was never able to produce any evidence to support the dramatic allegation in the proffer.

The proffer presented by Chairman Burton stated that, during the 1992 campaign, the Lums arranged a meeting with a Clinton/Gore official for an individual who had pro-

posed to arrange a "large donation in exchange for a letter signed by the Clinton campaign endorsing the candidacy of a man who is now the leader of an Asian nation." The proffer states that the official "later provided a favorable letter over the name of Clinton," that a "Clinton/Gore official signed then Governor Clinton's name to the letter," and that the individual who made the request for the letter then made a \$50,000 contribution that reportedly came from "a foreign person then residing in the United States."⁵²

In its investigation, the only letter the Committee obtained that concerned then-Governor Clinton's position on an election in Asia is an October 28, 1992, letter on Clinton/Gore letterhead that pertains to the presidential election in Korea. This document specifically states that then-Governor Clinton does *not* believe it is appropriate for U.S. public officials to endorse the candidacies in foreign elections. The letter states:

"Thank you for bringing to my attention the impact in Korea that my statement of September 17th has caused. I would appreciate your help in clarifying the situation in Korea through proper channels. My statement was a courtesy reply in response to an invitation to me to attend an event in honor of Chairman Kim Dae-Jung, and to extend to him my greetings. It was not meant to endorse or assist his candidacy in the upcoming presidential election in Korea. I do not believe that any United States government official should endorse a presidential candidate in another country."⁵³

Allegation: On October 19, 1997, Chairman Burton appeared on national television and suggested that the White House had deliberately altered videotapes of presidential fund-raising events. On CBS's *Face the Nation*, he said "We thing ma—maybe some of those tapes may have been cut off intentionally, they're been—been, you know, altered in some way." He also said that he might hire lip-readers to examine the tapes to figure out what was being said on the tapes.⁵⁴

The Facts: Investigations by the House Government Reform and Oversight Committee and the Senate Governmental Affairs Committee produced no evidence of any tampering with the tapes. Shortly after Chairman Burton made his allegation regarding tape alteration, the Senate Governmental Affairs Committee hired a technical expert, Paul Ginsburg, to analyze the videotapes to determine whether they had been doctored. Mr. Ginsburg concluded that there was no evidence of tampering.⁵⁵ In addition, Colonel Joseph Simmons, commander of the White House Communications Agency (WHCA), Colonel Alan Sullivan, head of the White House Military Office which oversees WHCA, and Steven Smith, chief of operations of WHCA, all testified under oath before the House Government Reform and Oversight Committee in October 1997 that they were unaware of any alteration of the videotapes.⁵⁶

Allegation: In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton Administration of selling burial plots in Arlington National Cemetery for campaign contributions.⁵⁷ Republican Party Chairman Jim Nicholson accused the Administration of a "despicable political scheme," and several Republican leaders, including Chairman Burton, called for investigations.⁵⁸ Representative Gerald Solomon stated, "[t]his latest outrage is one more slap in the face of every American who

ever wore the uniform of their country, who seem to be special objects of contempt in this administration."⁵⁹

The Facts: The Army has established restrictive eligibility requirements for burial at Arlington. Individuals who are eligible for Arlington National Cemetery burial sites include service members who died while on active duty, honorably discharged members of the armed forces who have been awarded certain high military distinctions, and surviving spouses of individuals already buried at Arlington, among others. The Secretary of the Army may grant waivers of these requirements.⁶⁰

In January 1998, the General Accounting Office (GAO) concluded an independent investigation of the allegations that waivers were granted in exchange for political contributions. As part of this investigation, GAO analyzed the laws and regulations concerning burials at Arlington, conducted in-depth review of Department of Army case files regarding approved and denied waivers, and had discussions with officials responsible for waiver decisions.⁶¹

GAO's report stated: "[W]e found no evidence in the records we reviewed to support recent media reports that political contributions have played a role in waiver decisions." Further, GAO stated: "Where the records show some involvement or interest in a particular case on the part of the President, executive branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."⁶²

Allegation: In January 1998, Chairman Burton held four days of hearings into whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, Chairman Burton alleged that the decision was a "political payoff" and that it "stinks" and "smells."⁶³

The Facts: On August 22, 2000, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding:

"A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC."⁶⁴

Allegation: In April 1998, Chairman Burton suggested that President Clinton had created a national monument in Utah in order to benefit the Lippo Group, an Indonesian conglomerate with coal interests in Indonesia.⁶⁵ James Riady, an executive of the Lippo Group, was a contributor to the DNC. In June 1998, in a statement on the House floor, Chairman Burton reiterated his allegation: "[T]he President made the Utah Monument a national park. What is the significance of that? The largest clean-burning coal facility in the United States, billions and billions of dollars of clean-burning coal are in the Utah Monument. It could have been mined environmentally safely according to U.S. engineers. Who would benefit from turning that into a national park so you cannot mine there? The Riady group, the Lippo Group, and Indonesia has the largest clean-burning coal facility, mining facility, in southeast

Asia. They are one of the largest contributors. Their hands are all over, all over these contributions coming in from Communist China, from Macao and from Indonesia. Could there be a connection here?"⁶⁶

The Facts: In September 1996, President Clinton set aside as a national monument 1.7 million acres of coal-rich land in Utah under a 1906 law that allows the president to designate national monuments without congressional approval.⁶⁷ After two years of investigation, the Committee produced no evidence that there is any connection between the designation of this land as a monument and Riady group or any other contributions.⁶⁸

Allegation: In April 1998, Chairman Burton released transcripts of selected portions of Webster Hubbell's prison telephone conversations. According to these transcripts, if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "And that you are opening Hillary up to all of this," and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary" and "So, I need to roll over one more time." These quotes were taken from a two-hour March 25, 1996, conversation between the Hubbells.⁶⁹

The Facts: Webster Hubbell was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Little Rock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months.

During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping is standard in federal prisons. These tapes were turned over to the Government Reform and Oversight Committee. Although the tapes are supposed to be protected by the Privacy Act, Chairman Burton released a document in April 1998 entitled the "Hubbell Master Tape Log," which contained what was purported to be excerpts from these tapes. However, it was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements made by Mr. Hubbell that directly contradicted the allegations.⁷⁰

For example, while the "Hubbell Master Tape Log" quoted the above portions of the March 25, 1996, conversation between Mr. and Mrs. Hubbell, it omitted a later portion of the same conversation that appears to exonerate the First Lady. The later portion of that conversation follows, with the portions that Chairman Burton omitted from the "Hubbell Master Tape Log" in italics:

"Mr. Hubbell: Now, Suzy, I say this with love for my friend Bill Kennedy, and I do love him, he's been a good friend, he's one of the most vulnerable people in my counterclaim. OK?"

"Mrs. Hubbell: I know.

"Mr. Hubbell: *Ok, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this.*

"Mrs. Hubbell: *They wouldn't have let her if she tried.*

"Mr. Hubbell: *Of course not.*"

The "Hubbell Master Tape Log" released by the Chairman also included an italicized passage in which Mr. Hubbell allegedly said:

"The Riady is just not easy to do business with me while I'm here." In fact, the actual tape states: "*The reality is it's just not easy to do business with me while I'm here.*"

Allegation: In April 1998, Chairman Burton sought immunity from the Committee for four witnesses: Nancy Lee, Irene Wu, Larry Wong, and Kent La. He and other Republican leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese government during the 1996 elections.⁷¹

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system."⁷² Rep. John Boehner alleged that the witnesses had "direct knowledge about how the Chinese government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk."⁷³ Committee Republican Rep. Shadegg stated that one of the witnesses, Larry Wong, "is believed to have relevant information regarding the conduit for contributions made by the Lums and others in the 1992 fund-raising by John Huang and James Riady."⁷⁴

The Facts: In June 1998, the Committee provided these witnesses with immunity. After they were immunized, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Nora Lum were to register voters and serve as a volunteer cook.⁷⁵ Following is the total testimony he provided regarding James Riady:

"Majority Counsel: Did Nora ever discuss meeting James Riady?"

"Mr. Wong: James who?"

* * *

"Majority Counsel: James Riady.

"Mr. Wong: No."⁷⁶

Allegation: In May 1998, Rep. Curt Weldon suggested on the House floor that the President could have committed treason. Rep. Weldon's remarks involved allegations that the political contributions of the Chief Executive Officer of Loral Corporation, Bernard Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. Rep. Weldon described this issue as a "scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years," and said, "this scandal involves potential treason."⁷⁷ The National Journal reported this allegation in an article that referred to Rep. Weldon as a "respected senior member of the National Security Committee."⁷⁸

The Facts: The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded.⁷⁹ In August 1998, Lee Radek, chief of the Department's public integrity section, wrote that "there is not a scintilla of evidence—or information—that the President was corruptly influenced by Bernard Schwartz."⁸⁰ Charles La Bella, then head of the Department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."⁸¹

A House select committee investigated allegations relating to United States technology transfers to China, and whether campaign contributions influenced export control decisions. In May 1999, the Committee's findings were made public. The Committee's

bipartisan findings also did not substantiate Rep. Weldon's suggestions of treason by the President.⁸²

Allegation: In September 1998, Rep. David McIntosh sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice.⁸³ He told the Washington Post that there was "very strong evidence" that Ms. Mills lied to Congress.⁸⁴

The Facts: Rep. McIntosh's claims were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages of documents produced to the Government Reform and Oversight Committee were not responsive to a request from Rep. McIntosh, while Rep. McIntosh believed the two documents were responsive. Instead of viewing this disagreement as a difference in judgment, Rep. McIntosh charged that Ms. Mills was obstructing justice and that she lied to the Committee.⁸⁵ The Justice Department investigated Rep. McIntosh's allegations and found them to be without merit.⁸⁶

Allegation: In October 1998, Rep. David McIntosh alleged that the President, First Lady, and senior Administration officials were involved in "theft of government property" for political purposes. To support this claim, Rep. McIntosh claimed that the President's 1993 and 1994 holiday card lists had been knowingly delivered to others outside of the government, and that, with respect to the holiday card project, evidence suggested a "criminal conspiracy to circumvent the prohibition on transferring data to the DNC."⁸⁷

The Facts: The White House database, known as "WhoDB," is a computerized rolodex used to track contacts of citizens with the White House and to create a holiday card list. In putting together the holiday card list, the Clinton Administration followed the procedures established by previous administrations. A number of entities, including the White House and the Democratic National Committee, created lists of card recipients, and the White House hired an outside contractor to merge the lists, and produce and mail the cards. As with past Administrations, the production and mailing costs of the holiday card project were paid for by the President's political party to avoid any appearance that taxpayer funds were being used to pay for greetings to political supporters.

The evidence showed that the contractor charged with eliminating duplicate names from the 1993 holiday card list failed to remove the list from its computer. This computer was subsequently moved—for unrelated reasons—to the 1996 Clinton/Gore campaign. The Committee uncovered no evidence that this list was ever used for campaign purposes. In fact, computer records showed that the Clinton/Gore campaign never accessed it, and it appears that the campaign was not aware that the computer contained this list.

With respect to the 1994 holiday card list, a DNC employee learned that the contractor charged with eliminating duplicate names from the list did not properly "de-dupe" the list. Therefore, the worked with her parents and several volunteers over a weekend to properly perform this task. The evidence indicates that neither the 1994 nor the 1993 holiday card list was used for any other purpose than sending out the holiday cards.⁸⁸

Allegation: In March 1999, Chairman Burton sent a criminal referral to Department of Justice alleging that Charles Duncan, Associate Director of the Office of Presidential

Personnel of the White House, made false statements to the Committee regarding the appointment of Yah Lin "Charlie" Trie to the Bingaman Commission.⁸⁹

The Facts: Chairman Burton alleged that Mr. Duncan made false statements in his answers to Committee interrogatories in April 1998.⁹⁰ These answers included statements by Mr. Duncan that, to the best of his recollection, no one expressed opposition to him regarding the appointment of Mr. Trie to a trade commission known as the "Bingaman Commission."⁹¹ The main basis for the Chairman's allegation was that Mr. Duncan's responses were "irreconcilable" with statements purportedly made by another witness, Steven Clemons.⁹²

Investigation revealed that Mr. Clemons's statements were apparently misrepresented by Mr. Burton's staff. Mr. Clemons was interviewed by two junior majority attorneys without representation of counsel. Immediately after the majority released the majority staff's interview notes of the Clemons interview in February 1998, Mr. Clemons issued a public statement noting that he had never seen the notes, he had not been given the opportunity to review them for accuracy, and that "the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed."⁹³ The Department of Justice closed its investigation of Mr. Duncan without bringing any charges.⁹⁴

Allegation: In June 1999, Chairman Burton issued a press release accusing Defense Department officials of attempting to tamper with the computer of a Committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency (DTRA), while he was testifying before the House Committee on Government Reform. The Chairman alleged, "While Dr. Leitner was telling my committee about the retaliation he suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."⁹⁵

The Facts: Both the Committee and the Air Force Office of Special Investigations subsequently conducted investigations regarding the allegation of computer tampering. The Committee interviewed 11 DTRA employees, obtained relevant documents, and learned that the allegation was untrue. Instead, the incident was nothing more than a routine effort to obtain files in the witness's computer that were necessary to complete an already overdue project.

When Dr. Leitner was on leave to testify before the Committee on June 24, 1999, his superior, Colonel Raymond A. Willson, had reassigned a task of Dr. Leitner's to another DTRA employee. This reassignment—responding to a letter from Senator Phil Gramm—occurred because DTRA's internal due date for the project was passed and Dr. Leitner's draft response was not accurate. As part of reassigning the task, Col. Willson asked the office's technical division to transfer relevant files from Dr. Leitner's computer. The transfer never occurred, however, because the employee to whom the task was reassigned did not need Dr. Leitner's files to complete the task. Dr. Leitner's computer was not touched.⁹⁶

On July 12, 1999, the Committee also learned that the Air Force Office of Special Investigations had completed its investigation and found that Col. Willson had done nothing improper.

Allegation: In July 1999 testimony before the House Rules Committee, Chairman Bur-

ton stated that the House Committee on Government Reform had received information indicating that the Attorney General "personally" changed a policy related to release of information by the Department of Justice so that an attorney she knew "could help her client."⁹⁷

The Facts: One year after Chairman Burton testified before the Rules Committee, the House Government Reform Committee took testimony from the relevant witnesses at a July 27, 2000, hearing.

Chairman Burton's allegations concerned efforts by a Miami attorney, Rebekah Poston, to obtain information for her client, who had been sued in a Japanese court for libel by a Japanese citizen named Nobuo Abe. The alleged statements at the heart of this lawsuit related to whether Mr. Abe had been arrested or detained in Seattle in 1963. Mr. Abe maintained that he had never been detained and that statements to the contrary made by Ms. Poston's client were defamatory.⁹⁸ In order to support her client's interests in this lawsuit, Ms. Poston filed Freedom of Information Act (FOIA) requests with several components of the Department of Justice in November 1994 seeking records that reestablished that her client's statements were true and that Mr. Abe had, in fact, been arrested or detained.

In response to Ms. Poston's FOIA requests, the INS, Bureau of Prisons, and Executive Office of the United States Attorneys informed Ms. Poston that no records on Mr. Abe existed.⁹⁹ The Department of Justice, however, initially informed Ms. Poston that it was its policy not to confirm or deny whether the Justice Department maintains such files on an individual unless the individual authorizes such a confirmation or denial.¹⁰⁰ After Ms. Poston appealed this decision and threatened litigation on the matter, the Justice Department reversed its decision and confirmed to her that no records on Mr. Abe existed. This decision to confirm the lack of records was legal and it was damaging to Ms. Poston's client. The Justice Department official who directed this decision testified that he believed it was appropriate because it precluded potential litigation and did not deprive anyone of privacy rights because no release of records was involved.¹⁰¹

Although the Chairman suggested that the Attorney General "personally" changed Department policy to allow release of information, the records produced to the Committee show that the Attorney General recused herself from the decision.¹⁰² John Hogan, who was Attorney General Reno's chief of staff at the time of Ms. Poston's FOIA request, testified before the House Government Reform Committee that the Attorney General "had no role in this decision whatsoever, initially or at any stage."¹⁰³

Allegation: In August and September 1999, Chairman Burton alleged that Attorney General Reno had intentionally withheld evidence from Congress on the use of "military rounds" of tear gas, which may have some potential to ignite a fire, during the siege of the Branch Davidian compound in Waco, TX. Specifically, on a national radio news broadcast in August 1999, he stated that Attorney General Reno "should be summarily removed, either because she's incompetent, number one, or, number two, she's blocking for the President and covering things up, which is what I believe."¹⁰⁴

Further, on September 10, 1999, Chairman Burton wrote the Attorney General regarding a 49-page FBI lab report that on page 49 references the use of military tear gas at Waco. He stated that the Department had

failed to produce that page to the Committee on Government Reform during the Committee's Waco investigation in 1995, and asserted that this failure "raises more questions about whether this Committee was intentionally misled during the original Waco investigation."¹⁰⁵ In a subsequent television interview, Chairman Burton stated, "with the 49th page of this report not given to Congress when we were having oversight investigations into the tragedy at Waco and that was the very definitive piece of paper that could have given us some information, it sure looks like they were withholding information."¹⁰⁶

The Facts: Evidence regarding the use of "military rounds" of tear gas was in Chairman Burton's own files at the time he alleged that the Department of Justice had withheld this information. Within days after Chairman Burton's allegations, the minority staff found several documents provided by the Department of Justice to Congress in 1995 that explicitly describe the use of military tear gas rounds at Waco on April 19, 1993.¹⁰⁷

Further, contrary to Chairman Burton's allegations, the Department of Justice in fact had produced to the Committee copies of the FBI lab report that *did* include the 49th page. Former Senator John Danforth, whom the Attorney General appointed as a special counsel to conduct an independent investigation of Waco-related allegations, recently issued a report that commented as follows on document production to congressional committees:

"[W]hile one copy of the report did not contain the 49th page, the Committees were provided with at least two copies of the lab report in 1995 which did contain the 49th page. The Office of Special Counsel easily located these complete copies of the lab report at the Committees' offices when it reviewed the Committees' copy of the 1995 Department of Justice production. The Department of Justice document production to the Committees also included several other documents that referred to the use of the military tear gas rounds, including the criminal team's witness summary chart and interview notes. The Special Counsel has concluded that the missing page on one copy of the lab report provided to the Committees is attributable to an innocent photocopying error and the Office of Special Counsel will not pursue the matter further."¹⁰⁸

Allegation: In November 1999, Chairman Burton appeared on television and claimed that FBI notes of interviews with John Huang show that the President was a knowing participant in an illegal foreign campaign contribution scheme. According to the Chairman, "Huang says that James Riady told the President he would raise a million dollars from foreign sources for his campaign," that "\$700,000 was then raised by the Riady group in Indonesia," and that "that money was reimbursed by the Riadys through intermediaries in the United States. All that was illegal campaign contributions." He further stated: "[T]his \$700,000 that came in—the President knew that James Riady was doing it. He knew it was foreign money coming in from the Lippo Group in Jakarta, Indonesia, and he didn't decline it. He accepted it, used it in his campaign, and got elected."¹⁰⁹

The Facts: The FBI interview notes do not support the Chairman's allegation. The FBI notes of interviews with Mr. Huang do indicate that Mr. Riady, who was a legal resident at the time told President Clinton that he would like to raise one million dollars.¹¹⁰

The notes do not indicate, however, that Mr. Riady discussed the source of the contributions he intended to raise, and Mr. Huang told the FBI that he personally never discussed individual contributions or the sources of such contributions with the President.¹¹¹

In December 1999, John Huang appeared before the Committee. He testified that he had no knowledge regarding whether President Clinton knew of foreign money coming from the Lippo group to his campaign, and that he did not believe that the President knew about it. He further stated that he had no knowledge that Mr. Riady indicated to the President the source of the money he intended to raise.¹¹² In addition, Mr. Huang testified that, as far as he knew, President Clinton had not participated in or had any knowledge of efforts to raise illegal foreign campaign contributions.¹¹³

Allegation: In December 1999, Chairman Burton alleged that the White House prevented White House Communications Agency (WHCA) personnel from filming the President meeting with James Riady, a figure from the campaign finance investigation, at the Asia-Pacific Economic Cooperation (APEC) summit meeting in New Zealand in September 1999. During a December 15, 1999, hearing entitled "The Role of John Huang and the Riady Family in Political Fundraising," Chairman Burton showed the two tapes made by the WHCA personnel, and then showed a video filmed by a press camera. Of the third tape, the Chairman said:

"That shows a little different picture. The White House tapes don't show it, but President Clinton really did pay some special attention to Mr. Riady. This White House is so consumed with covering things up that their taxpayer-funded photographer wouldn't even allow a tape to be made of the President shaking Mr. Riady's hand. No one minded the President meeting Mr. Riady. They just didn't want anyone to know how warmly he was greeted because of the problems surrounding Mr. Riady."¹¹⁴

The Facts: President Clinton shook James Riady's hand in a rope line in New Zealand in September 1999. One of the WHCA cameras filming the President from the side stopped filming as the President greeted Mr. Riady. The other camera, filming the President head-on, panned away from the President as he moved down the rope line and did not return to him until he moved past Mr. Riady. The third camera, the camera Chairman Burton claimed was operated by a member of the press, captured the whole exchange between the President and Mr. Riady. This exchange lasted approximately 10 seconds and consisted of a handshake and a brief, inaudible conversation.

Committee staff interviewed Jon Baker, the person who operated the camera filming the President from the side, and Quinton Gipson, the person who operated the camera filming the President head-on. Mr. Baker told staff that no one instructed him not to film the President and Mr. Riady and he did not know who Mr. Riady was. Similarly, Mr. Gipson said he did not know who James Riady was and that he did not get any guidance about taping the event from anyone.

WHCA policy is to film any remarks the president gives, but not necessarily to film every move the President makes. WHCA camera operators do not take direction from the White House about how to cover events. Mr. Baker told Committee staff that he stopped filming when he did because he had to pack up his equipment and rush to join the motorcade and it was a coincidence that

neither he nor the other cameraman captured the full exchange between the President and Mr. Riady.

Allegation: In July 2000, Chairman Burton said a videotape of a December 15, 1995, coffee at the White House indicates that Vice President Gore suggested that DNC issue advertisements be played for Democratic donor James Riady, who has been the subject of campaign finance probes. According to the Chairman, Vice President Gore "apparently states: 'We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.'" ¹¹⁵

The Facts: Chairman Burton played the videotape at a July 20, 2000, hearing of the Government Reform Committee. However, it was not possible to determine what was said on the tape.

Further, it was impossible to determine to whom the Vice President was speaking because he was not on camera during the alleged comment. A Reuters reporter describing the playing of the videotape at the hearing wrote, "Gore's muffled words were not clear."¹¹⁶

When chairman Burton played the tape on Fox Television's program *Hannity* and Colmes, the person whose job it is to transcribe the show transcribed the tape excerpt as follows:

"We ought to—we ought to show that to (unintelligible) here, let (unintelligible) tapes, some of the ad tapes (unintelligible)."¹¹⁷

FOOTNOTES

1. The minority staff of the Government Reform Committee estimates that the costs of the congressional campaign finance investigations alone have exceeded \$23 million. This figure includes \$8.7 million that a 1998 General Accounting Office report found federal agencies reported spending on responding to congressional inquiries on campaign finance matters; over \$8 million that the House Government Reform Committee has spent on its campaign finance investigation; \$3.5 million that the Senate Government Affairs Committee spent on its campaign finance investigation; \$1.2 million authorized for the House Committee on Education and the Workforce's investigation of allegations of campaign finance abuses concerning the Teamsters; and \$2.5 million authorized for select committee that investigated allegations that the Clinton Administration gave missile technology to China in exchange for campaign contributions. See GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries (June 23, 1998); House Committee on Government Reform and Oversight, Interim Report: Investigation of Political Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views, 105th Cong., 3968-69 (1998) (H. Rept. 105-829). When the costs of investigating allegations in addition to the campaign finance allegations are included, the total costs likely significantly exceed \$23 million. Many of these additional investigations involved substantial congressional resources as well as executive branch resources to respond to inquiries. For example, to investigate allegations concerning the government's actions at Waco, Texas, the House Government Reform Committee has conducted at least 82 interviews, and has received over 750,000 pages of documents from the Justice Department and the Defense Department in response to Committee requests.

2. CBS, CBS Morning News (Oct. 20, 1997).

3. CBS, CBS This Morning (Oct. 20, 1997).

4. NBC, NBC News at Sunrise (Oct. 20, 1997).

5. NBC, Today (Oct. 20, 1997).

6. ABC, ABC World News Sunday (Oct. 19, 1997).

7. CNN, CNN Early Prime (Oct. 19, 1997).

8. CNN, CNN Morning News (Oct. 20, 1997).

9. CNN, Headline News (Oct. 20, 1997).

10. CNN, Early Edition (Oct. 20, 1997).

11. Fox, Fox Morning News (Oct. 20, 1997).

12. Fox, Fox News Now/Fox in Depth (Oct. 20, 1997).

13. Tapes May Have Been Altered, Rep. Burton Says; Clinton Aide Decries Chairman's 'Innuendo' (Oct. 20, 1997).

14. GOP Suggests Tapes Altered (Oct. 20, 1997).

15. GOP Suspects White House Altered Fund-raising Tapes (Oct. 20, 1997).

16. Panel May Use Lip Readers to Check Fund-raising Tapes (Oct. 20, 1997).

17. Tape-Tampering Denied (Oct. 21, 1997).

18. Senator Thompson announced these findings on NBC's Meet the Press (Dec. 7, 1997). Only a handful of media outlets reported this announcement, and these reports focused on other campaign finance issues and mentioned the Thompson announcement only at the very end of the accounts. E.g., Reno and Freeh to Testify, Morning Edition, National Public Radio (Dec. 9, 1997) (reporting on the upcoming House Government Reform and Oversight Committee hearing on the independent counsel decision and noting Senator Thompson's announcement at the very end). Beyond coverage of Senator Thompson's announcement, one article reported that Paul Ginsburg, a technical expert hired by the Senate Governmental Affairs Committee, had found no signs of doctoring. See Expert: Coffee Tapes Are Clean, Newsday (Nov. 8, 1997), and the "Real Deal" segment at the end of Face the Nation on November 2, 1997, followed up on Rep. Burton's allegations to report that Mr. Ginsburg was going to report that there was no doctoring.

19. See, e.g., Congressional Record, H5632 (July 13, 1994).

20. Office of Independent Counsel, Report on the Death of Vincent W. Foster, Jr. (In Re: Madison Guaranty Savings & Loan Association), 5 (Oct. 10, 1997) (citing Federal News Service (Aug. 10, 1993)).

21. Id. at 7 (citing Report of the Independent Counsel Robert B. Fiske, Jr., In Re: Vincent W. Foster, Jr., at 58).

22. Id. at 111.

23. Former Clinton Aide Faces Questions on Memo; Document Suggests that First Lady Was Behind Firings in Travel Office, Milwaukee Journal Sentinel (Jan. 6, 1996).

24. House Committee on Government Reform and Oversight, Hearing, White House Travel Office—Day Three, 104th Cong., 111 (Jan. 24, 1996).

25. Press Release, Office of the Independent Counsel (June 22, 2000).

26. Congressional Record, H6633 (June 20, 1996).

27. House Committee on Government Reform and Oversight, Investigation of the White House and Department of Justice on Security of FBI Background Investigation Files, 104th Cong., 16 (1996) (H. Rept. 104-862).

28. Office of Independent Counsel, Report of the Independent Counsel (In Re: Madison Guaranty Savings and Loan Association) In Re: Anthony Marceca, 7-8 (March 16, 2000).

29. CNN, Late Edition with Frank Sesno (Feb. 16, 1997).

30. Congressional Record, H4097 (June 20, 1997).

31. See Senate Panel Is Briefed on China Probe Figure; Officials Say Evidence May Link L.A. Businessman to Election Plan, Washington Post (Sept. 12, 1997).

32. E.g., CBS Evening News (June 11, 1997); Huang Leaked Secrets, GOP Lawmaker Says, Los Angeles Times (June 13, 1997); Republican Lawmaker Alleges Huang Passed Secrets; Communications with Lippo Group Questioned, Baltimore Sun (June 13, 1997); Congressman Says Evidence Confirms Huang Passed Secrets—The House Rules Chairman Says Information Was Given to the Lippo Group, Fort Worth Star-Telegram (June 13, 1997); Huang Gave Classified Data to Lippo, Lawmaker Claims, Austin American-Statesman (June 13, 1997); Huang Accused of “Economic Espionage,” Cincinnati Enquirer (June 13, 1997); Legislator Alleges Fund-raiser Gave Classified Data to Overseas Company, Las Vegas Review-Journal (June 13, 1997); Dem Donor “Breached Security” Lawmaker Accuses Ex-Clinton Appointee, Arizona Republic (June 13, 1997); Congressman Alleges Huang Passed Secret Data to Firm; White House, FBI Decline to Comment on Solomon’s Remarks, Milwaukee Journal Sentinel (June 13, 1997).
33. Gerald Solomon Interview FD-302 at 1 (Aug. 28, 1997).
34. Gerald Solomon Interview FD-302 at 1 (Feb. 11, 1998).
35. CNN, Inside Politics (Aug. 27, 1997).
36. GOP Lawmaker Seeks Counsel to Probe O’Leary-Chung Tie, Buffalo News (Aug. 22, 1997).
37. Notification to the Court Pursuant to 28 U.S.C. §592(b) of Results of Preliminary Investigation (Dec. 2, 1997).
38. *Id.* The House Government Reform and Oversight Committee also discovered that fact. The Committee deposed several individuals, including Secretary O’Leary, to investigate the allegation by Mr. Chung regarding Secretary O’Leary. The Committee scheduled a hearing on the matter, but, upon discovering the allegation was false, canceled the hearing.
39. NBC’s Meet the Press (Sept. 14, 1997).
40. White House Denies Role in Audit of Jones; IRS Has History of Targeting “Enemies,” Washington Times (Sept. 16, 1997).
41. E.g., Whistleblowers’ Letter, Newspapers Alert Agency, Washington Times (Sept. 29, 1997); Conservatives Suspect IRS Audit Is Price of Opposing Clinton Policies, Washington Times (Apr. 21, 1997); Politics and the IRS, Wall Street Journal (Jan. 9, 1997).
42. Staff of the Joint Committee on Taxation, Report of Investigation of Allegations Relating to Internal Revenue Service Handling of Tax-Exempt Organization Matters (March 2000).
43. *Id.* at 7.
44. House Committee on Government Reform and Oversight, Hearings on Conduit Payments to the Democratic National Committee, 105th Cong., 7 (Oct. 9, 1997) (H. Rept. 105-51).
45. *Id.* at 257, 271.
46. Minority Staff Report, House Committee on Government Reform and Oversight, Evidence that John Huang Was in New York City on August 15, 16, 17, and 18 (Oct. 9, 1997).
47. House Committee on Government Reform, Hearing on the Role of John Huang and the Riady Family in Political Fundraising, 108 (Dec. 15, 1999) (stenographic record).
48. House Committee on Government Reform, Hearing on the Role of Yah Lin “Charlie” Trie in Illegal Political Fundraising, 250-52 (March 1, 2000) (stenographic record).
49. House Committee on Government Reform and Oversight, Hearings on Campaign Finance Improprieties and Possible Violations of Law, 105th Cong., 11-12 (Oct. 8, 1997) (H. Rept. 105-50).
50. Proffer of Nora and Gene Lum to the Committee on Government Reform and Oversight (Aug. 22, 1997).
51. E.g., Story of a Foreign Donor’s Deal With ’92 Clinton Camp Outlined, Washington Post (Oct. 9, 1997); House Panel to Hear of ’92 Clinton Donation Problem Probe, Los Angeles Times (Oct. 9, 1997).
52. Proffer of Nora and Gene Lum, *supra* note 50, at Part B.1-3.
53. Deposition of Richard C. Bertsch, House Committee on Government Reform and Oversight, ex. 12 (March 30, 1998). The letter was addressed to Richard Choi Bertsch, who worked for an organization called the Asian Pacific Advisory Council-VOTE (“APAC”) which conducted get-out-the-vote and fundraising activities in the Asian-American community in California in 1992. *Id.* at 10-13, 20-22.
54. CBS’s Face the Nation (Oct. 19, 1997).
55. Senate Committee on Governmental Affairs, Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns, 105th Cong., v. 6, 9345-46 (1998) (S. Rept. No. 167); Meet the Press (Dec. 7, 1997) (interview with Senator Thompson).
56. Deposition of Joseph Simmons, House Committee on Government Reform and Oversight, 149 (Oct. 18, 1997); Deposition of Alan P. Sullivan, House Committee on Government Reform and Oversight, 37 (Oct. 17, 1997); Deposition of Steven Smith, House Committee on Government Reform and Oversight, 99 (Oct. 18, 1997).
57. The conservative publication Insight magazine reported that “dozens of big-time political donors or friends of the Clintons” had gained waivers of the eligibility rules regarding burials at Arlington National Cemetery. Without naming its sources, the article stated that a “national cemetery official” and other sources are “outraged that the Clinton White House has applied pressure to gain waivers for fat-cat donors.” Is There Nothing Sacred?, Insight Magazine (dated Dec. 8, 1997, but reportedly released in advance of that date).
58. White House Denies Burial Politics, Atlanta Constitution (Nov. 21, 1997); Burton to Probe Plots-for-Politics Allegations, Indianapolis Star News (Nov. 21, 1997).
59. Press Release, Rep. Gerald Solomon (Nov. 20, 1997).
60. General Accounting Office, Arlington National Cemetery: Authority, Process, and Criteria for Burial Waivers, 2-3, appendix 1 (Jan. 28, 1998) (GAO/T-HEHS-98-81).
61. *Id.* at 1.
62. *Id.* at 9.
63. House Committee on Government Reform and Oversight, Hearings on the Department of the Interior’s Denial of the Wisconsin Chippewa’s Casino Application, 105th Cong., v.1, 106, 340 (Jan. 28, 1998).
64. Office of Independent Counsel, Final Report of Independent Counsel in Re: Bruce Edward Babbitt, 430, 441 (Aug. 22, 2000).
65. Burton’s Pursuit of President, Indianapolis Star (Apr. 16, 1998).
66. Congressional Record, H4545 (June 11, 1998).
67. Subpoena Widens Finance Probe; Request for White House Papers Covers 25 Categories, Copy Shows, Washington Post (Aug. 15, 1997).
68. House Committee on Government Reform and Oversight, Investigation of Political Fundraising Improprieties and Possible Violations of Law, 105th Cong. 3978 (1998) (H. Rept. 105-829).
69. Letter from Rep. Henry Waxman to Chairman Dan Burton (May 3, 1998).
70. Bridling G.O.P. Leader Says Tapes Speak for Themselves, New York Times (May 5, 1998); Burton Defends Hubbell Transcript Actions, Washington Post (May 5, 1998).
71. Opening Statement by Chairman Burton, House Committee on Government Reform and Oversight, Business Meeting, 6-13 (Apr. 23, 1998); Congressional Record, H2338 (Apr. 28, 1998); Congressional Record, H2444 (Apr. 29, 1998).
72. Congressional Record, H2336 (Apr. 28, 1998).
73. Congressional Record H3453 (May 19, 1998).
74. House Committee on Government Reform and Oversight, Business Meeting, 87 (Apr. 23, 1998) (stenographic record).
75. Deposition of Larry Wong, House Committee on Government Reform and Oversight, 13-14, 19, 26-27, 43, 52, 57 (July 27, 1998).
76. *Id.* at 85.
77. Congressional Record, H3239 (May 13, 1998).
78. GOP Breaking China Over Clinton’s Deals, National Journal (May 23, 1998).
79. See Internal Justice Memo Excuses Loral, Los Angeles Times (May 23, 2000).
80. Memorandum from Lee Radek to James Robinson, Assistant Attorney General, Criminal Division (Aug. 5, 1998).
81. The Addendum to Interim Report for Janet Reno and Louis Freeh Prepared by Charles La Bella and James DeSarno (Aug. 12, 1998).
82. House Select Committee on U.S. National Security and Military/Commercial Concerns with the People’s Republic of China, 105th Cong., 2nd Sess. (Committed to the Committee of the Whole House, Jan. 3, 1999; Declassified in Part, May 25, 1999) (H. Rept. 105-851).
83. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998).
84. Database Criminal Probe Sought, Washington Post (Sept. 9, 1998).
85. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998); House Committee on Government Reform and Oversight, Investigation of the Conversion of the \$1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters, 105th Cong., 574-581 (Oct. 30, 1998) (H. Rept. 105-828).
86. Letter from M. Faith Burton, Special Counsel to the Assistant Attorney General, to Rep. David McIntosh (May 6, 1999).
87. House Committee on Government Reform and Oversight, Investigation of the Conversion of the \$1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters, 105th Cong., 1-6, 33-44 (Oct. 30, 1998) (H. Rept. 105-828).
88. *Id.*, Minority Views, 564-68.
89. Letter from Chairman Dan Burton to Attorney General Janet Reno (March 22, 1999).
90. *Id.*
91. Charles Duncan’s Responses to Interrogatories (Apr. 20, 1998).
92. Letter from Chairman Dan Burton to Attorney General Janet Reno, *supra* note 89.
93. Statement of Steven C. Clemons (Feb. 25, 1998); Letter from Rep. Henry A. Waxman to Attorney General Janet Reno (Apr. 13, 1998).
94. Statement of Alan Gershel, Deputy Assistant Attorney General, Department of Justice, House Committee on Government Reform, Hearing on Contacts between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails (Sept. 26, 2000).
95. Press Release, Chairman Burton, Burton Angered by Harassment of Witness (June 29, 1999).

96. Letter from Rep. Henry Waxman to Chairman Dan Burton (July 15, 1999).

97. Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99_07_15db-rules.htm).

98. See Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995).

99. Letter from Wallace H. Cheney, Assistant Director/General Counsel, Federal Bureau of Prisons, to Joseph M. Gabriel, Law Offices of Langberg, Leslie and Gabriel (March 2, 1995); Letter from Bonnie L. Gay, Attorney-in-Charge, FOIA/PA Unit, Executive Office of United States Attorneys, Department of Justice, to Joseph M. Gabriel (Dec. 15, 1994); See Letter from Magda S. Ortiz, FOIA/PA Reviewing Officer, Immigration and Naturalization Service, to Rebekah Poston (Dec. 6, 1994) (explaining that a potentially responsive record was illegible and requesting additional information); Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995) (explaining that the INS searched for, but ultimately could not find, a record responsive to the FOIA request).

100. Testimony of Richard Huff and Rebekah Poston, House Government Reform Committee, Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department, 129-31 (July 27, 2000) (stenographic record).

101. Testimony of John Schmidt and John Hogan, House Committee on Government Reform, Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department, 120-23, 128, 140-41 (July 27, 2000) (stenographic record).

102. Memorandum from Attorney General Janet Reno to staff of the Attorney General (Apr. 28, 1995).

103. House Committee on Government Reform, Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department, 154 (July 27, 2000) (stenographic record).

104. Morning Edition, National Public Radio (Aug. 31, 1999).

105. Letter from Chairman Burton to Attorney General Janet Reno (Sept. 10, 1999).

106. Fox News, Fox News Sunday (Sept. 12, 1999).

107. Letter from Rep. Henry Waxman to John Danforth, Special Counsel (Sept. 13, 1999); FBI FD-302 of FBI Agent (June 9, 1993) (reporting that a pilot heard "a high volume of [Hostage Rescue Team] traffic and Sniper [Tactical Operations Command] instructions regarding . . . the insertion of gas by ground units," including "one conversation, relative to utilization of some sort of military round to be used on a concrete bunker"); FBI H.R.T. Interview Schedule (Nov. 9, 1993) (summarizing an interview with an FBI agent and stating that "smoke on film came from attempt to penetrate bunker w/1 military and 2 ferret rounds" and further describing the military round as "Military was . . . bubblehead w/green base"); Handwritten notes (April 19, 1993) (making repeated references to military rounds fired on April 19, 1993, such as "smoke from bunker came when these guys tried to shoot gas into the bunker (military gas round)").

108. John C. Danforth, Special Counsel, Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas, 54 (July 21, 2000).

109. MSNBC, Watch It! With Laura Ingraham (Nov. 2, 1999).

110. John Huang Interview FD-302 at 19 (Jan. 19-Feb. 10, 1999).

111. John Huang Interview FD-302 at 129 (Feb. 23-March 26, 1999).

112. House Committee on Government Reform, Hearings on the Role of John Huang and the Riady Family in Political Fundraising, 104 (Dec. 15, 1999) (stenographic record).

113. *Id.* at 95.

114. House Committee on Government Reform, Hearings on the Role of John Huang and the Riady Family in Political Fundraising, 15-16 (Dec. 15, 1999) (stenographic record).

115. Letter from Chairman Dan Burton to Attorney General Janet Reno, 2 (July 18, 2000).

116. Justice Department Won't Discuss Gore Video, Reuters (July 21, 2000).

117. Fox, Hannity and Colmes (July 19, 2000).

HISTORY OF CONGRESSIONAL OVERSIGHT COMMITTEE AND THE "NEW MAJORITY"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60.

Mr. MICA. Mr. Speaker, I appreciate having this time this afternoon to come before the House following the distinguished ranking member of the Committee on Government Reform.

I have had an opportunity, since I came to Congress in 1993, to serve on the Committee on Government Reform. I came as a freshman Member in that year, in 1993, and served on that committee because I think it is a most important committee.

Many of my colleagues may not be familiar with the history of the Committee on Government Reform. It was called the Committee on Government Operations, and it has had several other names through its history. But I think the Committee on Government Reform is one of the most important committees in the House of Representatives and in the entire Congress. It has an interesting history that dates back to when our Federal government started building a bureaucracy.

After the Presidencies of Washington and Adams, in 1808, actually, Thomas Jefferson was quite alarmed by the bureaucracy building, he termed it, in Washington. He did not like the huge bureaucracy in his estimation that had been constructed previous to his taking office. The founding Members in the Congress, early Members at the turn of that century, the 19th century, again in 1808, created the predecessor of the Committee on Government Operations.

They did not trust the appropriators. They did not trust the authorizers. The authorizers would initiate a program, the appropriators would fund the program, and they wanted an additional check. All the checks and balances they put into our system of government are really incredible when we

think back that this was done some 200 years ago. They wanted a government that worked and also a government that had oversight and investigation responsibility.

So in 1808, they created the predecessor of the committee on which the gentleman from California (Mr. WAXMAN) is the ranking member. He is the chief Democrat. The gentleman from Indiana (Mr. BURTON) is the chairman of the full Committee on Government Reform. So from the very beginning of the House of Representatives and the Congress, and the beginning of our system and the checks and balances, our Founding Fathers wanted that committee. Again, it serves a very important purpose and that is to investigate, to conduct oversight independent of all the other committees.

We heard criticism of the chairman, the gentleman from Indiana (Mr. BURTON). I would say that no one has done a more admirable job. We have to look at the history of this Congress and we have to look at the history of administrations. There have been many administrations. I would venture to say that never in the history of the United States of America and our government have we had an administration that has had more scandals. They probably have had more scandals in the Clinton-Gore administration than we have had in the 20th century and the 19th century back to the founding of our government.

This administration has been riddled with scandals. I cannot even keep track of the number of scandals that we have had. And for a Member to come forward and criticize the chairman for his conduct of investigations and oversight, I think, is unfair, because he had a responsibility and a tough responsibility.

I submit, having served on that subcommittee, that never before had I seen anything like this, and I have been a student of government since high school days some many years ago. Again, in serving on the committee under the Democrat control of both the House, the Senate and the White House from 1993 to 1995, I saw how they ran that committee, and it did not serve its purpose well.

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In fact, there was a great defect in that because the committee was run in a fashion unintended by the Founding Fathers. I remember coming to this floor and holding up a sign that said "55 to 5." And I will tell you how the other side ran the committee, the committee that kept us straight in the House of Representatives. Again holding up that chart that said "55 to 5," I said, my colleagues, that is not the score of a badly mismatched sporting event. That is how the Democrats ran the investigation and the oversight committee. They gave us five investigative staff and they kept 55. We did

not even have a chance. And they controlled the White House, the House and the other body; and that was not what the Founding Fathers intended.

So if you want to talk about misuse of one of the most important committees in the Congress or in the House of Representatives, merely look back in a reflective manner on how the other side operated this committee.

And time and time again, when I was in the minority, I came out and said, this is unfair, they should not run it in this fashion. And time and time again, they ran it in that fashion.

So to criticize the gentleman from Indiana (Mr. BURTON) for his record in conducting oversight and investigations for the most scandal-ridden administration ever to set its face in Washington, and I will include Philadelphia and New York, and we could go back to the Continental Congresses where they met in Trenton, Annapolis, Harrisburg, and some dozen State capitals, there has never been an administration so racked with scandal. And it has been dumped in our lap.

Now, do you think that is a lot of fun? Do you think we came to Congress just to pick on the other side? No, we did not. We came here because the Founding Fathers set up this check and balance to make this system work.

There are some countries I found that have even adopted the Constitution of the United States of America. They have adopted the entire document. Yet they do not function like ours. And I submit one reason they do not have that additional check that the Founding Fathers established, such as we have with the investigations and oversight, is because we are always trying to cleanse the process.

Sure, we may make a few mistakes in the investigations. It is not intentional. Sure, we may have gotten some inadequate information. But let me tell my colleagues, when we were in the minority, I saw how they ran the show at least as far as investigations and oversight, and it was not anything to be proud of.

In fact, again, I came many times asking for reform. And we did institute that reform, and we shared staff on a more equitable basis so we could do an honest job in conducting oversight of the House of Representatives. But to come here today to criticize the chairman.

I have also served on the committee, and I have seen what we had to contend with. And you can talk about witnesses, you can talk about Webb Hubbell who served time in prison, can you talk about run-away Federal prosecutors; but I am telling you, never before in the history has there been such a scandalous misuse of the investigative process by the other side. And I hope, for the good of the country, I hope for the good of this Congress that it is never repeated.

My colleagues, the House, Mr. Speaker, over 120 witnesses either would not raise their hand and swear to tell the whole truth, they raised their hand and took the fifth amendment. Over 120 witnesses fled the country. We have never been able to conduct a thorough investigation. And the other side that calls for campaign reform, 98 percent of the violations were on their side of the aisle, 98 percent of the violations.

I submit that 98 percent of those serving in Congress obey the laws, they do not get into the gray area. They know there is a controlling legal authority. They have made a mockery of the law. And for them to campaign on campaign finance reform is a mockery. Because almost every one of the offenses that we see and we have seen, whether it is the Vice President at a Buddhist temple raising funds, whether it is making calls with no controlling legal authority, whether it is other gray areas and now we see that the White House has reported the use of the Lincoln Bedroom like a Motel 6, campaign contributions coming into various people running for high office here or there, and the lights are on at the Motel 6 White House.

So again, we have a very serious situation we have had to contend with on that committee attempting to conduct investigations and oversight in a responsible manner, whether it is campaign finance; whether it is Travelgate, which was one of the worst misuses and abuses of Federal authority planned, cooked, sealed, a misuse of that office, a misuse of professional White House employees abusing them in the fashion, and some of them have been compensated fortunately for that; whether it is Filegate.

And we can go back to Filegate. Do we still know? Do we still know? And our committee, under the gentleman from Indiana (Mr. BURTON) and other Members, investigated Filegate, the illegal use of hundreds and hundreds of personnel files obtained through the FBI into the White House.

Everybody knows what they were up to. We know they were trying to get dirt on their political opponents. We even know who did it. Now, do we know who hired Craig Livingston? We do not know to this date because this is the way these folks operated.

I had a conversation with a Democrat colleague, and the Democrat colleague and I shared our concern that a future administration might use the Clinton-Gore administration as a model in which to use the system, and that would be so sad for the future of the country.

Hopefully, we can banish the Clinton-Gore method of operation because the operation of the Committee on Government Reform and Oversight has always had involved bipartisan cooperation and people coming forward raising their right hand and telling the whole

truth to the committee so we could proceed, not taking the fifth amendment, not fleeing the country, not withholding information, shredding information, information disappearing, and only reappearing when we were able to get it somewhere else, information that unfortunately we have never been able to obtain.

So it is sad to come and have attacks against the chairman. And I will not say that, again, everything I have done is 100 percent. I make mistakes. I am human. The gentleman from Indiana (Mr. BURTON) makes mistakes. But I will tell my colleagues, he has done an incredible job.

The same method they used to go after everyone who questions or tries to hold them accountable is find dirt on them, try to expose them in some way with their friends in the press and belittle them and degrade them in public is sad. My Democrat colleague and I both share our concern that this is not the method of operation for future administrations whether they be Democrat or Republican.

So I take great exception.

I wanted to spend part of tonight, I usually talk on the drug issue, but following the ranking member and having background about how this committee, which I have served on since the first day I came to Congress and am knowledgeable about, I wanted to tell, as Paul Harvey says, the rest of the story.

Let me also mention while I have the floor that there are some funny things happening at this juncture. Of course, we are in a political time and people are talking about what they have done and what they have not done. And I think it is important to reflect.

I came into the Congress, again, as a minority Member in 1992. I was from the business sector. I am not an attorney. I came here because I was concerned about the future of the country, about us having a balanced budget, about the huge deficit we were running, about getting our country's finances in order.

I am pleased to come before my colleagues tonight to tell them that in fact we have been able to do that. And it was not done during my first term when there were huge numbers of majority from the other side. They did not bring spending under control. In fact, what they did was tax and spend more.

In a few weeks, the American people have an opportunity to decide whether they want to turn back to tax and spend or they want to remain on a sound fiscal basis, they want the finances of this country run like they would run their own finances so the income matches the outflow. And if they do not do that and they have a personal checkbook, they know exactly what happens, they keep spending and spending and they get further and further in debt.

Except they had the ability to tax. In 1993 and 1994, they did increase taxes on

the American people. They did not balance the budget. And we could not pin the President down on when we would balance the budget; and every time we made a proposal, he would come back with a different date and propose more government spending, more government programs, more control in Washington, more takeover here, and they did not balance the budget. They had their opportunity.

In fact, I remember them presenting their budget and for this fiscal year after they came to the floor and proposed the largest tax increase in the history of our Republic and told us this was going to balance the budget, they found in fact that the information they gave us for this year they would have had a \$200 billion deficit. That was their plan to this year have a \$200 billion deficit.

Now, something changed there. I will tell my colleagues what changed there. It was the Republican majority took control in 1995. And what we did was not anything special. It was not rocket science. It was not some magic formula from a Harvard economic Ph.D. We limited the annual increases, we still have allowed increases, and we matched it with our expenditures and income.

It was a simple plan. We balanced the budget. And we did that without harming senior citizens, without harming education, but actually by, and I will show in a few minutes, by helping education, by resetting priorities. Because this place basically had run amuck. The finances of the country were out of control.

Let me just tell my colleagues the way I found the House of Representatives running when I came here. The banking scandal, as my colleagues may recall, Members on both sides of the aisle would write checks and the bills would be paid by bouncing checks that were covered here really with taxpayer money.

The restaurant downstairs, the House restaurant, was run at a deficit and the food there for Members of Congress and their guests was subsidized.

I have given the example of ice being delivered and some 16 and 17 people working to deliver ice. Well, they instituted delivering ice to the Members' rooms back in the 1930s and 1940s before they had refrigerators and they were still spending three-quarters of a million dollars a year to deliver ice to the offices when I came here and had some 16 to 17 employees doing that.

I gave that speech many years ago, and someone could not believe it. I had to send them the documentation. He said I was not telling the truth. But that is how they ran the place. The place was in shambles. The House of Representatives, the people's House, was a disaster.

And I sat with a Member of Congress, a freshman Member, and I was telling

him the things that we have done since 1995 just starting here with the House of Representatives.

The first thing we did, and we said we would do it, was we cut the staff in the House of Representatives by one-third. That is what we started out with. We cut the staff by one-third. We cleaned out one building and a half a building on Capitol Hill of the huge bulk that the other side had taken on board and bulged the bureaucracy of the administration of Congress.

□ 1630

We cut the committees by a third. I took over the Civil Service subcommittee, which at one time Civil Service and Post Office had over 100 employees. I chaired Civil Service, and in fact we operated with seven staffers as opposed to more than 50 that had been devoted to the Civil Service subcommittee. So we cut the staff.

If you walk around the halls of Congress today in some of the House office buildings, you will see some empty rooms there that are there for meeting. They were formerly filled with this huge bureaucracy that the other side built up. That would be very sad to return to those days of yesteryear when they had control, when they misused their power.

We instituted many reforms in addition to cutting staff. Incidentally, since we cut the staff, we had a lot of parking spaces left over here because we did not have the 3,000 employees that were cut from the congressional payroll when we also cut the expenditures of the House of Representatives. So we turned that into a public parking lot. That parking lot actually has revenue into the House of Representatives. The subsidized dining room is now privately operated and not operated at a subsidy on the House side. A big change. The shoe shine stand, the barber shop, all of these things have been privatized and now accomplished. As I said, I sat with a freshman Member of Congress, he did not know, and if a freshman Republican Member of Congress does not know what we did, how can the American people or the rest of Congress remember the reforms that were instituted here in this House of Representatives?

One of the other great things that we have done, as long as I am going to spend a few minutes talking about, again, a contrast between the Republican control and the Democrat control, is our Nation's capital. Our Nation's capital was a disaster in 1993 to 1995 when the Democrats controlled the White House, the House and the Senate. It was a national shame. The murder rate approached some 400. There was a murder almost every weekend. Some weekends there were half a dozen murders here. There was slaughter in the streets of Washington. The public housing authority was bankrupt. The

children who were supposed to be protected, most protected, not at a disadvantage, were fed jello, rice and chicken for a month because they did not have money to pay the vendors.

Sometimes you had to boil your water in the District of Columbia. The morgue was not able to pay again for burying the indigent dead and bodies were stacked up like cord wood because they could not meet their obligations. This Congress was funding three-quarters of a billion dollars of deficit for the District of Columbia before the Republicans took control of the House of Representatives. Three-quarters of a billion dollars a year in debt. Marion Barry who was a disgrace to not only the capital but to the Nation, who set a horrible example for the young people here, he had employed some 60,000 employees. About one in every 10 people in the District of Columbia was employed by the District staff.

What did the Republicans do? This year we have nearly balanced the budget for the District of Columbia, first of all kicking and screaming and you would think we had imposed martial law but we did impose a control board over the District of Columbia. The District is our responsibility. It is a trust given to the Congress under the Constitution and we must work to try to maintain that trust as a good steward of the District. You do want home rule and we have tried to do that, but we did have to institute a control board. We have gotten some of the agencies, not all of them, in order. But the District again is running at a near balanced budget. They were spending more on education than any other entity in the United States on a per capita basis and performing at one of the lowest levels and we have turned some of that around.

We had to turn the water system over to another agency to operate. We have had to redo the District of Columbia building which once was a beautiful building and it looked like a Third World practically bombed out shelter when we took over. We have cut the employees from some 60,000 to in the mid-30,000 range, I believe, but we have dramatically decreased the number of employees in the District of Columbia. And we have cut the murders in the District. The person we brought in as the financial officer to oversee the District's finances and try to get them in order fortunately was elected the mayor and he has done an admirable job in bringing the District finances under control, and now we have returned most of the rule back to the District of Columbia.

But what a sad case. How sad it would be for the District of Columbia or for the American people to turn the Congress over, the running of the House of Representatives to the side that put it in such shame and dispute, how sad it would be to turn the

District of Columbia back over to the people who had that stewardship and in some 40 years ran the District of Columbia into the ground. They were responsible. They failed. We took on that responsibility both to run this House, run the District, and I think we did an admirable job. So today, my colleagues, I think it is time that we remember as Members are prepared from the other side to come and bash what we have done, I want to put in the RECORD and let the Congress and the American people know what we have taken on as a responsibility.

I was appointed by Speaker Gingrich to be the chairman of the Civil Service subcommittee. I spoke about that a few minutes ago. I talked about some of the things we did with the Civil Service subcommittee. I am not here to tout my own horn but let me tell you, we took the Federal employees personnel office, which is the Office of Personnel Management, and in the 1993 to 1995 period, just go look at the statistics. Close to 6,000 employees in our personnel office, Office of Personnel Management. We were able to get that down to some 3,000 employees. And 1,000 of those employees, although there was kicking and screaming, there were Federal investigators. I was able, working with others, to turn that into an employee stock ownership plan. So we cut the number of employees. We took a thousand of those Federal investigators and turned that into an employee stock ownership company. I am sure you would not read about this but it is a success of again a Republican initiative and something that we should be very proud of. They now own that company. They now pay taxes, millions of dollars in taxes. They do business with the Federal Government, with other government agencies, with the private sector. But it is employee-owned. They fought kicking and screaming, but we did it.

We can cut government. We can cut bureaucracy. We can make things run more efficiently. I had never been chairman of Civil Service. I had never been to a Civil Service subcommittee hearing. Again, it does not take a lot of rocket science or a Harvard Ph.D. in economics or administration management, it just takes some common sense. And somehow in 40 years these people lost common sense.

Let me talk about one more thing that really got my gander last week. We had the President of the United States at the White House in a signing ceremony for long-term care. The President and the White House announced the statement that the President and the administration had passed long-term care for Federal employees and retirees and others in the Federal workforce. The President of the United States had the gall to say that this would serve as a model for the private sector. Little did the President of the

United States know the history of what had taken place on long-term care. Nor would his aides ever reveal this to the American public nor his press machine. But long-term care, ladies and gentlemen, when I became chairman of Civil Service was not ever on the radar screen. There was never ever a hearing in the Congress on long-term care. When I took over and I came from the private sector, I took over Civil Service, I started to look at some of the employee benefit programs. And coming from the private sector, I wondered why we did not have long-term care benefits for Federal employees. So I looked into it, and I actually conducted a hearing. The first hearing ever in the Congress was held on March 26, 1998, I chaired that, and I said, why do we not have long-term care as a benefit for Federal employees?

Now, this does not again take anything but common sense. I came from the private sector. Businesses I had been familiar with had proposals for long-term care for their employees. The bigger the business, the better discounts you can get. With 1.9 million Federal employees, with 2.2 million Federal retirees, with 1 million postal people and millions in the military, why could we not have a long-term care benefit for our Federal employees, go to an insurance carrier for long-term care and get a discounted rate for providing a group policy? I posed that.

"Oh, we can't do that. My goodness, we can't do that." The administration fought, kicked, opposed, blocked, did everything they could, said that this was a radical idea and fought us tooth and nail as we moved along or put impediments in the way.

Finally, the President signed the bill. I was not invited to the signing ceremony. There were other places I have not been invited to that probably would be more offensive to me, but we must set the record straight. And for the President of the United States to say that this would serve as a model for the private sector, well, to the President of the United States, Mr. Speaker and my colleagues, I must remind him that this idea came from the private sector. It was delivered through the person of Mr. MICA from Florida who held the first hearing on it and who introduced the first legislation on this August 4, 1998 and worked to try to get them to provide this simple benefit for one of the largest groups in the United States.

But Federal employees, Federal retirees, if you think that Bill Clinton or AL GORE did this for you, you need to have a serious counseling session with me and I will be glad to provide you the data. Of course he took credit for it and he had himself surrounded by people who did not have a whole lot to do with this particular issue.

Another issue, just to reflect as long as I am on the subject of a comparison

of the Republican administration, the new majority, I must say that the other side really has had a deficit in new ideas for some 47 years, long-term care being one of them. But again in chairing the Civil Service subcommittee, I looked at the benefits that Federal employees have, and I came again from the private sector, I had some term insurance I had acquired in the private sector and as you get older and if you have term insurance, you know you pay more for that term insurance, and I thought, well, why not add on? I am now a Federal employee. Even though I am a Member of Congress I fall in that category. Why not add on to the Federal employees life insurance benefits program? I could pay a little bit more in a group and have those benefits. Now I am in that employ, I do not have the private sector benefit, so I looked at the rates, and I said, "My God, they're paying higher rates for life insurance than I can get in the private sector."

□ 1645

I thought, something is dramatically wrong. So I conducted a hearing on Federal employee-retiree life insurance benefits. Come to find out, the other side had not bid the life insurance policy for 40 years. For 40 years they had not bid it; they only had one product available.

If you are even familiar in the slightest sense from the private sector of all the new options that are out there in insurance coverage, and you have a group of 1.9 million Federal employees and 2.2 million Federal retirees and other Federal employees, why could you not get a better rate with a group that size? A no-brainer. I talked to my friends in the insurance industry, and they said it was absurd not to have more choices. It was absurd to be paying those rates.

Now, we did make a little bit of progress. We have some more choices out there. Kicking and screaming, the Office of Personnel Management is coming into the 21st century, whether it is long-term employee health benefits, whether it is life insurance.

Let me just set up as a bit of warning something else that I found as Chair of the Subcommittee on Civil Service that is on everybody's radar screen. One of the most important things to me personally is that we find ways to provide health insurance coverage for all Americans.

I personally remember when I was in college and my brother was in college, we dropped out, my dad did not have health insurance, and we went to work and were able to help the family meet their financial requirements and then go back to school. But I know what it is like to be in a family that does not have health insurance, and there are millions of families that do not have health insurance.

My dad was a working American who did not have health insurance, so I know what it is like; and I think it is important that we as Republicans, that we as Democrats, that we as an Independent Member of this body, work to find ways to find access to health insurance coverage.

I oversaw the largest health care plan as chairman of the Subcommittee on Civil Service in the country when I chaired that subcommittee, and I saw what this administration did to that program. It concerns me, because they are doing the same thing in prescription drugs; they are doing the same thing with HMOs and other reform.

What they are doing is they are bogging it down, they are packing on mandates, they are phrasing things like "Patients' Bill of Rights" and all of this that sounds good.

So I held hearings on what the administration was doing back several years now when I chaired this subcommittee. They came out with this Patients' Bill of Rights, and they could not get agreement in the Congress, so the President, by executive order, imposed the Patients' Bill of Rights on the Federal Employees Health Benefit Program.

I held a hearing and asked the people from the administration, what does this Patients' Bill of Rights do? Tell me what it does specifically. And each of them would say, well, it provides more paperwork, it is more regulation, it is more mandates.

I said, well, what medical benefit is there to all this? And they could not mention a specific medical benefit. But the President by executive order, which he has used so much because of the slim majority, and we do not have override ability here, imposed that on the employees health benefit program for the Federal Government, and not on all plans.

We had close to 400 plans at one time, before he imposed this, and he did not impose on it the most contentious part of the Patients' Bill of Rights, which is the right to sue. He imposed part of it, mostly the regulations and paperwork, I guess to make it look like he was doing something.

I will tell you what the result was. Instead of having, say, some 400 to choose from, we lost 60, 70 plans. When they added more mandates, we lost more plans. So many areas that needed that coverage for Federal employees out in the yonder started seeing fewer HMOs.

In addition, they saw the costs rise dramatically, and the private sector costs have not risen for health care plans anywhere near the extent, almost double digit for Federal employees, again with a system that the administration could get its hands around and sort of strangle, which they have done. So Federal employees, retirees, have seen these dramatic increases in costs

in premium, and also have fewer choices.

We have to be very careful that we do not do the same thing here with HMOs. I had a great letter from a constituent in my district. It was really a prize letter. I think it started out with "Dear Congressman MICA and you other dummies in Washington." He had sent it to not just me.

He said, you all are up there arguing about whether or not I have the right to sue my HMO, and he said you all are out in space, because I do not even have an HMO to sue. Three of them have disappeared.

That is a great concern to me, that something that was set up to provide health care on a cost-effective basis, that we do not destroy it.

Now, there are patient protections and things that can be written without damaging the intent and purpose of HMOs to provide access to health care, but we do not want more people like this who make a mockery of the ability to sue because he does not even have a plan he can go to. We see more and more plans being dissolved.

So if the Federal Government does continue to impose mandates, if we put on a Patients' Bill of Rights that only adds paperwork and regulations, and we increase the cost and we have fewer HMOs to choose from, the gentleman who wrote me, unfortunately, will be very correct. But he did have a great point: we cannot destroy something that is so important to us, and we have got to find ways.

It is interesting that we have some 30 or 40 million people who do not have health insurance coverage, and two-thirds of those people are working Americans. On our side of the aisle, again, kicking and screaming, we made the President sign welfare reform. I can tell you there is no way, if we had not boxed him into a corner, if it had not been close to the election, he ever would have signed welfare reform, but he did sign it. We have some 6 or 7 more million people working, thanks to the Republican initiative.

It is hard. I know it is easy to come here to come to Washington, to say I am going to give you this, free prescription drugs; you do not have to work; we will send you a welfare check from Washington, or through Washington, and you will be taken care of cradle-to-grave.

They tried that in the Soviet Union. They had it all cooked, and, unfortunately, the system was destroyed. You even see it in Europe and some countries that have these huge tax rates, unemployment, people not working, lack of productivity, and it is reflected now in their economies, as opposed to our's.

But we must address the people that we have taken from welfare to work and find a way that they can have access to affordable, quality health care.

I think that has to be through a partnership of the working individual on the basis of their ability to pay.

We also have to do that through the employer; and most of the employers who are providing these benefits are small businesses. The majority of businesses in this country, the vast majority, is not big, big business; it is small employers. A huge percentage of our population is employed by small business people. So business, the employer and government also has a responsibility, and it is something we can do.

They had their chance to balance the budget. They did not. What is interesting is this year, I believe we are going to have this year in excess of \$200 billion in surplus. They would have had by their plan which they submitted to us, I was here, a \$200 billion deficit. Not only would they have had a deficit, but they were also taking out of Social Security and putting in nonnegotiable certificates of indebtedness of the United States.

So here is the crew on the other side of the aisle that brought us these huge deficits, and all the finances of the country start right here in the people's body, in the House of Representatives. They had their chance to propose getting this right, but they now claim to say that they can do a better job.

If you believe that, I have a bridge in Brooklyn that I would like to sell you. These are the same folks that not only had us in a deficit position, had no way to get us out, tried to tax their way out, tried to spend their way out, and had projected for this year a \$200 billion deficit, their best guess, and we have a \$200 billion-plus surplus.

It has not been easy to do. Every time we have made a reform, they have thrown the kitchen sink at us, saying we are going to have people rolled out of nursing homes on the street, there will be breadlines in America, welfare reform is a cruel thing, to insist that people work and not stay on welfare.

But I submit that we have done an admirable job. One of the things you can do when you balance the budget is you can talk about prescription drug benefits, you can talk about adding more money to education.

Mr. Speaker, I want to talk a few minutes about education, because I think that is important.

Now, I am a Republican Member of the House of Representatives. I come from a background, I actually have a degree in education from the University of Florida. I am very proud of that, and I never taught. I did my internship.

My wife was a public schoolteacher, taught elementary school in Corning, New York, and West Palm Beach when we moved and were married some 28 years ago, and she was a great teacher. I admire her ability with young people, and she has been a great mother to my two children, and I respect her judgment.

So she went to public schools, I went to public schools, we worked our way through college. I want to give that as a background. I am interested in education.

My grandparents were immigrants to this country. One was an Italian immigrant who came in after the turn of the century, worked in the factories and got into business in upstate New York. My grandfather on my father's side, they were Slovak immigrants from Slovakia, now a free and independent nation, once part of Czechoslovakia. They came to this country.

I will tell you, from the time I was a young child, I never heard anything repeated more in my family than get your education, that education is the most important thing. So the background of my family, again, came from immigrants, and they were intent on educating their children and grandchildren, and it was so important to us because they saw education and they saw it so rightly as the key to being able to function in a free democratic society that is dedicated to free enterprise. So education was a very, very important part of my family's background. I want to give that as a predicate.

Mr. Speaker, part of our work is trying to pass some 13 appropriations bills and do it in a responsible fashion. The contest is between the spenders, they had their chance to tax, and they could not impose any higher taxes on the American people because they are not in the majority. And the other alternative is spending, trying to keep the spending under control. The easiest thing for a politician to do is just spend more of the money and get it out of the people's hard-earned paycheck.

□ 1700

But, again, on the point of education, education has always been important to me. And once we get the finances of the country in order, once we get our personal finances in order, we can do a lot. We found that.

If I asked a question to Members of the House of Representatives, or of the Mr. Speaker today, who would do more financially for education, Republicans or Democrats, I am sure, Mr. Speaker, many people would respond, Democrats, because they are bigger spenders. But a strange thing happens when we balance the budget and have fiscal responsibility in Washington. We have more money, as I said, for prescription drugs; we have more money for education.

I can tell my colleagues that in the Republican Majority, K-through-12 funding has been a priority. Now, we only fund about 5 to 6 percent of all education dollars. The rest comes from local and State, usually from State governments through sales tax or other taxes at the State level or local property taxes. So we are the small contributor.

But these are the funding levels. Take a look at this. During the time the Democrats had control of the House of Representatives from 1990 to 1995, they increased spending for K-through-12 some 30.9 percent. If we have our financing in order, we can set priorities. We are not going further in the hole, and we are not robbing money out of Social Security, Medicare, or letting other programs go astray and here is what can be done. Under the Republican Majority from 1995 to 2000, we have increased the funds for education.

So we can do this with a balanced budget. We can put more money into education and the facts show that.

In fact, our side of the aisle has done that. Now, there is a big difference between the way we spend money and the way they spend money. Again, as a teacher, a former teacher-to-be, because, again, I never taught, but as a graduate of an education school and the husband of a teacher, I can tell my colleagues, and from talking to teachers throughout my district and anywhere I meet them, the last thing a teacher is able to do today is to teach. There are so many regulations, so many rules, so many restraints. There are so many court orders, so many edicts from Washington from the Department of Education, that the last thing a teacher can do is teach.

So this Republican majority has a difference. We have a difference in philosophy too about education. With Democrat control of the House of Representatives and the Congress, we found that nearly 90 percent of Federal dollars were going to everything except the classroom. We have first of all put more dollars into education, but also to have them go to the classroom and to the teacher. Those are the most fundamental differences between what the other side has proposed and what we propose and what this great debate is about.

They want that power; they want that control in Washington. They think Washington knows best. Better than parents, better than teachers, better than local school principals. In the meantime, they have created a bureaucracy. They have 5,000 people in the Department of Education; 5,000 people in the Department of Education.

Look at this administrative overhead. We have tried to get the dollars to education. They have tried and actually succeeded in getting the money to education administrative overhead. This is a chart from 1992 to the year 2000, and that has to be reversed. We do not need to be paying for a bureaucracy in Washington. Of the 5,000 people in the Federal Department of Education, somewhere in the neighborhood of 3,000 are located just within a few miles of where I am standing here in Washington, our Nation's capital. Most of them are making between \$60,000 and \$110,000. I do not have teachers that are making \$60,000 and \$110,000.

So we have a simple philosophy. Get that money out of administrative overhead. And no matter what program they get into, when they took over the Congress to have a Direct Student Loan Program as opposed to having the private sector, and the costs every time have risen dramatically. Look at the costs back in 1993. It has absolutely mushroomed. This is in a student loan program.

So we have been able to put more money in education. We are trying to do it without strings. We are trying to do it without a huge bureaucracy. There were 760 Federal education programs when I came to Congress. We have got it down to somewhere, I think, just below 700. All well intended, as we will hear the gentleman from Pennsylvania (Mr. GOODLING), the chairman of that committee, cite on the House floor. All well intended. But there is no reason why we cannot get that money back to the classroom, back to the teacher, back to basic education.

I tell my colleagues, and my wife will tell them as well as an elementary educator, students must be able to read, write, and do simple mathematics in order to succeed. And if students do not learn that at the earliest stage. I just saw, and I wanted to say President Bush, but Governor Bush's proposal and for what he did in Texas, what he has done in teaching young people to read, to write, to do mathematics. If we could duplicate this across the United States, what a great thing we would be doing for all young people, especially our minorities.

Again, we have to remember the value of education, to succeed in this country. Because if a student cannot read and write and do simple mathematics at the beginning, then they become the dropout problem, then they become the discipline problem. Then they are the social problem. Then they are sometimes even the prisoner problem and greater social problem that we face.

So Republicans have a very simple proposal. Get the money to the classroom. We have balanced the budget; we have additional resources. But not the control in Washington. Not the strangling. Let teachers teach. Do away with some of the Federal regulations.

We have seen it with charter schools. We have seen it with voucher systems. Voucher systems do not destroy public education; but they allow everyone, whether they are poor or black or Hispanic or white, whatever, to have an opportunity for the best possible education. And we find success, tremendous success in those programs in improvements in basic skills.

We have done it in the District. We helped clean up some of the District of Columbia problems. We have done it in the House of Representatives. We have done it with the Social Security program that was in disarray. We have

done it with our Federal balanced budget. We have tried to do it in a responsible manner. And here in education with our seven key principles: quality education, better teaching, local control, which is so important, accountability. It is so important to have education accountability, dollars to the classroom, not to the bureaucracy, not to administration, not to Washington control or mandates, but dollars to the classroom where they are most needed.

And not telling each school district they have got to use this money only for this or that. They know, the parents know, the principals know how to use those dollars.

Then parental involvement and responsibility. Responsibility which is so important in our society. Sometimes it is a word that is forgotten. No one wants to be responsible. And certainly we have had some 8 years of people not taking responsibility, of also promoting a nonresponsible society. That must change, because we must be responsible. We must be accountable. And our young people must also be ingrained with that philosophy if they are to succeed.

So we want to, again, take this message to the American people this afternoon, my fellow Members of Congress. We are pleased to compare what we have done, what we said we would do, and what we have accomplished and what we want to do for the future. We have a great model that we have presented.

Sure we have made mistakes. Republicans are human too. Sure, we have not done everything the way we should do. But I can tell my colleagues that this is not the time to turn to irresponsible management of the Congress, irresponsible management of the District of Columbia, irresponsible management over Social Security or Medicare that the other side let go. This is the time to be responsible, to have programs for the future based on sound experiences of the past.

Today, I have been able to hopefully outline some of what we have done; what I have been able to do as a Member of this distinguished body. And we are here to do the people's business and do it with honor, and on a bipartisan basis. But, again, the American people must be aware of the facts, particularly as we approach this most important generational election. This is a

critical election; and we do not want to turn back to 1993, 1994, 1995, to tax and spend and regulate and administrate from Washington in an irresponsible manner.

Mr. Speaker, this is the time for responsibility. It is the time for us to really reflect upon the accomplishments that we can point to at this juncture. With that, Mr. Speaker, I appreciate you taking time and the staff taking time as the House concludes its business this afternoon and returns on Monday. Thank you so much for the opportunity to present this special order.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

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. BONIOR) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,820.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. Thomas, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 2647. An act 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.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office".

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 29, 2000, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1999, and first and second quarters of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2000 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Curacao, Arubz, Ecuador and Panama, December 2–10, 1999, Delegation expenses.	12/6	12/8	Ecuador				9,005.88				9,005.88
Committee total							9,005.88				9,005.88

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, July 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

FOR HOUSE COMMITTEES
 Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, July 26, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Frederick A. Bigden	4/29	5/06	Germany		956.25		5,979.95		29.56		6,965.76
	5/06	5/13	England		2,084.50						2,084.50
Robert V. Davis	6/01	6/06	Taiwan		988.75		5,041.97		282.95		6,313.67
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/10	China		632.50						632.50
Jack G. Downing	6/01	6/06	Taiwan		988.75		4,468.12		39.69		5,496.56
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/15	China		1,500.75						1,500.75
Norman H. Gardner	6/01	6/06	Taiwan		988.75		5,259.12		152.86		6,400.73
	6/06	6/08	Hong Kong		737.50						737.50
Michael O. Glynn	4/28	5/07	Korea		1,949.25		3,494.97		133.28		5,577.50
	5/07	5/12	Japan		822.00						822.00
Terrence E. Hobbs	4/28	5/07	Korea		1,949.25		3,494.27		43.18		5,486.70
	5/07	5/12	Japan		882.00						882.00
Robert H. Pearre, Jr	4/29	5/06	Germany		959.00		6,156.19		114.62		7,229.81
	5/06	5/07	England		413.75						413.75
Robert J. Reitwiesner	6/01	6/06	Taiwan		988.75		4,468.12		272.42		5,729.29
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/15	China		1,500.75						1,500.75
Lewis D. Rinker	4/28	5/07	Korea		1,949.25		3,494.97		114.44		5,558.66
	5/07	5/12	Japan		882.00						882.00
Charles J. Semich	6/01	6/06	Taiwan		988.75		4,513.12		231.30		5,733.17
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/14	China		1,449.00						1,449.00
R.W. Vandergriff	6/01	6/06	Taiwan		998.75		5,961.02		498.87		7,458.64
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/10	China		569.25						569.25
Donald C. Witham	4/29	5/03	Germany		956.25		5,979.95		27.28		6,963.48
	5/03	5/13	England		2,084.50						2,084.50
T. Peter Wyman	6/01	6/06	Taiwan		988.75		4,468.12		205.42		5,662.29
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/14	China		1,449.00						1,449.00
Committee total					34,258.00		62,779.89		2,145.87		99,183.76

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2000.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Charles H. Taylor	4/16	4/22	Russia		1,100.00						1,100.00
Commercial airfare							4,996.06				4,996.06
Edward E. Lombard	4/15	4/22	Russia		1,450.00						1,450.00
Commercial airfare							4,706.63				4,706.63
Mark Mioduski	4/16	4/19	Uganda		642.00						642.00
	4/19	4/22	Ethiopia		714.00						714.00
	4/22	4/26	South Africa		668.00						668.00
Commercial airfare							8,257.85				8,257.85
Hon. John P. Murtha	4/20	4/23	Italy		237.00				(3)		237.00
	4/23	4/25	Kuwait		778.00				(3)		778.00
	4/25	4/26	Germany		236.00				(3)		236.00
James W. Dyer	4/20	4/23	Italy		925.25				(3)		925.25
	4/23	4/25	Kuwait		778.00				(3)		778.00
	4/25	4/26	Germany		89.75				(3)		89.75
									70.67		70.67
Douglas Gregory	4/21	4/23	Kuwait		1,278.00				(3)		1,278.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2000.—

Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. C.W. Bill Young	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
	4/21	4/23	Kuwait		1,278.00		(3)				1,278.00
Jane Porter	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
	4/21	4/23	Kuwait		1,278.00		(3)				1,278.00
Mike Ringler	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
Commercial airfare	4/25	4/29	Thailand		996.00						996.00
Jennifer Miller	4/21	4/22	People's Republic of China		347.00				4,404.80		4,404.80
Commercial airfare	4/22	4/25	Vietnam		404.00						404.00
	4/25	4/29	Thailand		773.00						773.00
Hon. Chet Edwards	4/21	4/21	Kosovo				(3)				
Commercial airfare	4/21	4/21	Macedonia				(3)				
	4/21	4/22	Croatia		206.00		(3)				206.00
Gregory Dahlberg	4/22	4/22	Bosnia/Herzegovina				(3)				
	4/24	4/26	Germany		168.00						168.00
Commercial airfare								2,265.00		2,265.00	
Hon. Sam Farr	4/1	4/2	Costa Rica		173.00		(3)				173.00
Hon. Robert E. "Bud" Cramer	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
Hon. Carrie P. Meek	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/1	Panama		448.00		(3)				448.00
	4/24	4/25	Brazil		415.00		(3)				415.00
John G. Shank	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Commercial airfare	5/27	5/31	Israel		1,502.00						1,502.00
	5/31	6/3	Austria		606.00						606.00
John T. Blazey II	5/26	6/05	Turkey		2,208.00				5,629.66		5,629.66
Commercial airfare								3,844.00		3,844.00	
Richard E. Eford	5/26	6/2	Turkey		1,891.00						1,891.00
Commercial airfare								3,843.80		3,843.80	
Stephanie K. Gupta	5/25	6/2	Turkey		2,108.00						2,108.00
Commercial airfare								3,843.80		3,843.80	
Committee total					29,421.00			46,163.48	70.67		75,655.15

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

C.W. BILL YOUNG, Chairman, July 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Travel to France, Germany and Belgium, April 16–21, 2000:											
Hon. Ellen O. Tauscher	4/16	4/18	France		624.00						624.00
	4/18	4/19	Germany		197.00						197.00
	4/19	4/21	Belgium		324.00						324.00
Commercial airfare								4,964.88		4,964.88	
Travel to El Salvador, April 19–21, 2000:											
Mr. Christian P. Zur	4/19	4/21	El Salvador		444.000						444.00
Commercial airfare								1,551.80		1,551.80	
Mr. George O. Withers	4/19	4/21	El Salvador		444.000						444.00
Commercial airfare								1,551.80		1,551.80	
Travel to Bosnia, April 16–18, 2000:											
Hon. Silvestre Reyes	4/16	4/18	Bosnia		425.00						425.00
Travel to Italy, June 11–13, 2000:											
Mr. John D. Chapla	6/11	6/13	Italy		296.350						296.35
Commercial airfare								4,062.20		4,062.20	
Committee total					2,754.35			12,130.68			14,885.03

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, July 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1, AND JUNE 30, 2000.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Max Sandlin	4/21	4/21	Macedonia				(3)				
	4/21	4/22	Croatia		206.00		(3)				206.00
	4/22	4/23	Bosnia				(3)				
Ellen Kuo	5/4	5/8	Thailand		504.00						504.00
	5/8	5/12	Indonesia		680.00				5,569.59		6,249.59
Joseph Engelhard	5/5	5/8	Thailand		651.00						651.00
	5/8	5/10	Indonesia		494.00				5,546.59		6,040.59
Committee total					2,535.99			11,116.18			13,651.18

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Military air transportation.

JAMES A. LEACH, Chairman, July 25, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24, AND JUNE 1, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
James McCormick	5/24	5/27	Russia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00				2,643.00
Gregory Wierzynski	5/24	5/27	Russia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00				2,643.00
Hon. James Leach	5/24	5/27	Russia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00			120.00	2,763.00
Committee totals					7,791.00		6,984.00			120.00	14,895.00

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES A. LEACH, Chairman, Sept. 18, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Abramowitz	3/28	4/1	Switzerland		402.00						402.00
Commercial airfare							4,131.00				4,131.00
David Adams	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/16	4/18	Bangladesh		419.00						419.00
	4/18	4/22	India		1,275.00						1,275.00
	4/23	4/25	Pakistan		449.00						449.00
Commercial airfare							7,406.84				7,406.84
Hon. Cass Ballenger	4/1	4/2	Costa Rica		110.00						110.00
Bob Becker	4/26	4/28	Nicaragua		497.50						497.50
Commercial airfare							469.80				469.80
Paul Berkowitz	3/29	3/30	Belgium		246.00						246.00
	3/30	3/31	Switzerland		270.00						270.00
	3/31	4/1	Italy		289.00						289.00
Commercial airfare							5,444.50				5,444.50
Commercial airfare	4/15	4/22	China		1,756.00						1,756.00
							4,170.80				4,170.80
Commercial airfare	4/22	4/25	Taiwan		678.00						678.00
							735.66				735.66
Hon. Kevin Brady	4/21	4/22	Croatia		64.50						64.50
	4/22	4/23	Bosnia		141.50						141.50
Peter Brookes	4/15	4/22	China		1,756.00						1,756.00
Commercial airfare							5,107.80				5,107.80
Sean Carroll	5/19	5/22	Haiti		292.00						292.00
Hon. William D. Delahunt	4/1	4/2	Costa Rica		173.00						173.00
Michael Ennis	4/16	4/18	Bangladesh		444.00						444.00
	4/18	4/22	India		1,217.00				³ 95.17		1,312.17
	4/23	4/25	Pakistan		474.00				³ 293.77		767.77
Commercial airfare							7,406.84				7,406.84
David Fite	4/18	4/22	India		1,214.00						1,214.00
	4/23	4/25	Pakistan		474.00						474.00
Commercial airfare							7,319.00				7,319.00
	5/27	5/31	Russia		898.00						898.00
	5/31	6/2	United Kingdom		642.00						642.00
Commercial airfare							6,419.07				6,419.07
Richard Garon	4/7	4/8	Dominican Republic		114.00						114.00
	4/8	4/9	Haiti		187.85				³ 145.57		333.42
Commercial airfare							640.02				640.02
Kristen Gilley	4/25	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
Charisse Glassman	5/13	5/15	Haiti		235.77						235.77
Commercial airfare							873.80				873.80
Amos Hochstein	5/19	5/22	Haiti		292.00						292.00
	5/28	5/31	Russia		728.00						728.00
	5/31	6/2	United Kingdom		622.00						622.00
Commercial airfare							6,419.00				6,419.00
John Mackey	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/24	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
Commercial airfare	5/17	5/20	Colombia		579.00						579.00
							667.80				667.80
Caleb McCary	4/7	4/8	Dominican Republic		174.00						174.00
	4/8	4/9	Haiti		189.89						189.89
Commercial airfare							640.02				640.02
	4/26	4/28	Nicaragua		497.50						497.50
	4/18	4/29	Panama		110.00						110.00
Commercial airfare							586.80				586.80
Kathleen Moazed	4/15	4/22	China		1,756.00						1,756.00
Commercial airfare							5,131.30				5,131.30
Hon. Donald M. Payne	5/14	5/15	Haiti		235.78				³ 96.38		332.16
Commercial airfare							826.80				826.80
Stephen Rademaker	4/27	4/30	Slovak Republic		400.00						400.00
Commercial airfare							5,443.57				5,443.57
	5/28	6/1	Russia		1,200.00						1,200.00
Commercial airfare							5,812.01				5,812.01
Grover Joseph Rees	3/29	4/1	Switzerland		577.00						577.00

19990

CONGRESSIONAL RECORD—HOUSE

September 28, 2000

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare											
John Walker Roberts	5/28	5/31	Russia		918.00		4,771.45				4,771.45
	5/31	6/2	United Kingdom		622.00						918.00
Commercial airfare							6,419.07				622.00
Hon. Dana Rohrabacher	4/25	4/26	Macedonia		(4)						6,419.07
	4/26	4/27	Kosovo		(4)						(4)
	4/27	4/28	Austria		(4)						(4)
Commercial airfare							1,784.34				
Tanya Shamon	5/20	5/23	Latvia		650.00						1,784.34
Commercial airfare							4,905.96				650.00
Peter Yeo	4/15	4/21	China		1,510.00						4,905.96
Commercial airfare							5,235.80				1,510.00
Committee total					29,472.29		111,651.03		630.89		5,235.80

¹ Per diem constitutes lodging, and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Delegation costs.
⁴ Financial information pending verification.

BEN GILMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Cynthia Martin	4/7	4/8	Dominican Republic		174.00						174.00
Commercial airfare											146.00
Anthony Foxx	4/7	4/8	Haiti		146.00		540.30				540.30
Commercial airfare											174.00
Commercial airfare											146.00
Hon. John Conyers, Jr.	5/19	5/22	Haiti		292.00						681.30
Hon. William D. Delahunt	5/19	5/22	Haiti		292.00						(3)
Cynthia Martin	5/19	5/22	Haiti		292.00						292.00
Anthony Foxx	5/19	5/22	Haiti		292.00						(3)
Daniel Freeman	6/22	6/25	Canada		700.00						292.00
Commercial airfare							668.65				700.00
Committee total					2,508.00		1,890.25				668.65

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Military air transportation.

HENRY J. HYDE, Chairman, July 27, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Timothy Sample	4/3	4/6	Europe		999.00						999.00
Commercial airfare							4,795.20				4,795.20
Patrick Murray	4/14	4/18	Middle East		892.00						892.00
Commercial airfare											250.00
Jay Jakub	4/14	4/18	Middle East		892.00						5,312.30
Commercial airfare											892.00
Beth Larson	4/16	4/30	Asia		3,572.00						250.00
Commercial airfare							5,312.30				3,572.00
Wyndee Parker	4/16	4/30	Asia		3,719.00						5,788.00
Commercial airfare											3,719.00
John Stopher	5/29	6/4	Asia		1,555.00						7,461.20
Commercial airfare							4,540.33				1,555.00
Patrick Murray	6/24	6/28	Europe		780.00						4,540.33
Commercial airfare											780.00
Jay Jakub	6/24	6/28	Europe		780.00						4,289.32
Commercial airfare											780.00
Committee total					10,478.00		26,368.91				4,289.32

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, July 28, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Lynn Rivers	1/5	1/12	New Zealand		1,400.00		6,876.64				8,276.64
Hon. Lynn Woolsey	1/5	1/12	New Zealand		1,400.00		6,338.64				7,738.64
Hon. Mark Sanford	1/5	1/12	New Zealand		1,400.00		2,087.52				3,487.52

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. F. James Sensenbrenner, Jr	1/17	1/19	Jerusalem		987.00		5,527.47				6,514.47
	1/20	1/22	Istanbul		951.00						951.00
Hon. Richard Russell	1/17	1/19	Jerusalem		987.00		5,527.47				6,514.47
	1/20	1/22	Istanbul		951.00						951.00
Hon. F. James Sensenbrenner, Jr	2/19	2/26	Germany		1,578.00		5,410.70		3,1067.31		8,056.01
	2/27	2/29	France		1,292.00						1,292.00
Hon. Todd Schultz	2/19	2/26	Germany		1,578.00		5,410.70				6,988.70
	2/27	2/29	France		1,292.00						1,292.00
Committee total					13,816.00		37,179.14				52,062.45

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ The total of \$1,067.31 breakdowns as follows: \$967.56—overtime; \$83.00—mileage; \$16.75—package.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Harlan Watson	5/4	5/8	Canada		1,158.51		5,358.00				6,516.51
	6/8	6/17	Germany		1,300.00		4,704.45				6,004.45
Committee total					2,458.51		10,062.45				12,520.96

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Duncan	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Jim Oberstar	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Tom Ewing	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Corrine Brown	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Bob Filner	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Tim Holden	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Mike Strachn	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
David Heymsfeld	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Roger Nober	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Ward McCarragher	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Jimmy Miller	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Kathy Guilfof	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Carol Wood	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Patricia Law	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00

19992

CONGRESSIONAL RECORD—HOUSE

September 28, 2000

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Schaffer	4/24	4/25	Brazil		415.00						415.00
	4/25	4/27	Chile		570.00						570.00
	4/27	4/30	Argentina		1,184.00						1,184.00
Ken Kopocis	4/30	5/2	Panama		448.00						448.00
	4/24	4/25	Brazil		415.00						415.00
	4/25	4/27	Chile		570.00						570.00
	4/27	4/30	Argentina		1,184.00						1,184.00
	4/30	5/2	Panama		448.00						448.00
Stacie Soumbeniotis	4/24	4/25	Brazil		415.00						415.00
	4/25	4/27	Chile		570.00						570.00
	4/27	4/30	Argentina		1,184.00						1,184.00
	4/30	5/2	Panama		448.00						448.00
Rob Chamberlin	4/24	4/25	Brazil		415.00						415.00
	4/25	4/27	Chile		570.00						570.00
	4/27	4/30	Argentina		1,184.00						1,184.00
	4/30	5/2	Panama		448.00						448.00
Hon. Corrine Brown	4/24	4/25	Brazil		415.00						415.00
	4/25	4/27	Chile		570.00						570.00
	4/27	4/30	Argentina		1,184.00						1,184.00
	4/30	5/2	Panama		448.00						448.00
Hon. Corrine Brown	5/19	5/21	Haiti		292.00						292.00
Commercial airfare							4292.80				292.80
Committee total					47,398.00		292.80				47,690.80

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ Military air transportation to Haiti; commercial airfare from Haiti to Jacksonville, FL.

BUD SHUSTER, Chairman, July 26, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Marlene Kaufmann		3/28	U.S.A.				5,030.35				5,030.35
	3/29	4/1	Romania		934.50						934.50
Michael Ochs		4/3	U.S.A.				6,390.87				6,390.87
	4/4	4/5	England			281.32					281.32
	4/5	4/11	Georgia		1,667.55						1,667.55
	4/11	4/13	Austria		348.00						348.00
Chadwick Gore		4/8	U.S.A.				4,216.80				4,216.80
	4/9	4/16	Turkey		994.00						994.00
Marlene Kaufmann		4/11	U.S.A.				5,087.75				5,087.75
	4/12	4/14	Czech Republic		500.00						500.00
Robert Hand		5/21	U.S.A.				4,540.12				4,540.12
	5/22	5/26	Poland		868.57						868.57
Janice Helwig		6/30	Austria		8,420.00						8,420.00
Maureen Walsh		4/1	Austria				5,105.57				5,105.57
	6/18	6/20	Austria		304.22						304.22
	6/20	6/24	Ukraine		546.38						546.38
Committee total					14,866.54		30,371.46				45,238.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO HUNGARY AND EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 5, 2000

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Doug Bereuter	5/26	5/30	Hungary		1,004.00		31,246.56				2,250.56
Hon. Tom Bliley	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Herbert Bateman	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Sherwood Boehlert	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Paul Gilmor	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Joel Hefley	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Vernon Ehlers	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Roy Blunt	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Nicholas Lampson	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Owen Pickett	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Bobby Rush	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00
Hon. Ralph Regula	5/26	5/29	Hungary		753.00		31,373.94				2,126.94
Susan Olson	5/26	5/30	Hungary		1,134.00						1,134.00
	5/30	6/5	Egypt		1,142.00						3,787.56
Josephine Weber	5/26	5/30	Hungary		1,134.00						1,134.00
	5/30	6/5	Egypt		1,142.00						3,787.56
Robin Evans	5/26	5/30	Hungary		1,004.00						1,004.00
	5/30	6/5	Egypt		1,142.00						2,146.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO HUNGARY AND EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 5, 2000—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Evan Field	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
David Goldston	5/26	5/30	Hungary		1,004.00						2,254.06
Jason Gross	5/26	5/31	Hungary		1,004.00						2,218.26
David Hobbs	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
Scott Palmer	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
Ronald Lasch	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
John Herzberg	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
Linda Pedigo	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00						2,146.00
Committee total:					44,799.00			8,107.94			52,906.94

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Figure for commercial airfare, but military air transportation also used.
⁴ Military air transportation.

DOUG BEREUTER, July 26, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10333. A letter from the Associate Administrator, Department of Agriculture, Fruit and Vegetable Programs, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimum Size Requirements for Dancy, Robinson, and Sunburst Tangerines [Docket No. FV00-905-3 FR] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph, (E,Z) 4-[3-(4-chlorophenyl)-3-(3, 4-dimethoxyphenyl)-1-oxo-2-propeny] morpholine; Pesticide Tolerances [OPP-301062; FRL-6747-9] (RIN: 2070-AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10335. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flucarbazone-sodium; Time-Limited Pesticide Tolerances [OPP-301052; FRL-6745-9] (RIN: 2070-AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indoxacarb; Pesticide Tolerance [OPP-301064; FRL-6747-8] (RIN: 2070-AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb hydrochloride; Pesticide Tolerance [OPP-301057; FRL-6745-8] (RIN: 2070-AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10338. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on the independent study of the secondary inventory and parts shortages; to the Committee on Armed Services.

10339. A letter from the Acting Assistant General for Regulatory Services, Department of Education, Office of Management and Office of Inspector General, transmitting the Department's final rule—Official Seal; National Security Information Procedures—received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10340. A letter from the Acting Associate Administrator for Civil Rights, General Services Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule—received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10341. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, FDA, transmitting the Department's final rule—Administrative Practices and Procedures; Good Guidance Practices [Docket No. 99N-4783] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10342. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry [AD-FRL-6576-9] (RIN: 2060-AG28) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10343. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington [WA-71-7146a; FRL-6879-6] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for Fiscal Year 2001 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to 22 U.S.C.

287e nt.; to the Committee on International Relations.

10345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kouru, French Guiana or Sea Launch [Transmittal No. DTC 103-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Poland, Republic of Korea [Transmittal No. DTC 075-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10347. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea and Turkey [Transmittal No. DTC 109-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 119-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10349. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Netherlands [Transmittal No. DTC 112-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10350. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Switzerland [Transmittal No. DTC 131-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10351. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting certification of a proposed license for the export of major defense equipment sold commercially under a contract to Denmark [Transmittal No. DTC 99-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 121-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10353. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 102-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 129-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10355. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 052-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10356. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 134-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10357. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 120-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 93-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10359. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of major defense equipment with the United Kingdom [Transmittal No. RSAT-1-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 125-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 087-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10362. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain and Turkey [Transmittal No. DTC 105-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10363. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Administrative Amendments [FRL-6878-9] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10364. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" rule—Migratory Bird hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000-01 Late Season (RIN: 1018-AG08) received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10365. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Grant Conditions for Indian Tribes and Insular Area Recipients—received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10366. A letter from the Acting Director, Office of Sustainable Fisheries, NMFIS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shapchin and Northern Rockfish in the Aleutian Islands Subarea [Docket No. 000211040-0040-01; I.D. 091800J] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10367. A letter from the Acting Director, Office of Sustainable Fisheries, NMFIS, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040-0040-01; I.D. 091900A] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10368. A letter from the Attorney General, Department of Justice, transmitting a report on the Department of Justice's determination on the constitutionality to prohibit the mailing of truthful information or advertisements concerning lawful gambling operations; to the Committee on the Judiciary.

10369. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, INS, transmitting the Department's final rule—Fingerprinting Certain Applicants for a Replacement Permanent Resident Card (Form I-551) INS No.2040-00] (RIN: 1115-AF74) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10370. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-42] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10371. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability

[Rev. Proc. 2000-39] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10372. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy BONDS; Obligations of States and Political Subdivisions (RIN: 1545-AY01) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10373. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the allotting of emergency funds made available by the Low-Income Home Energy Assistance Act of 1981 to all states, territories and tribes; jointly to the Committees on Commerce and Education and the Workforce.

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. HASTINGS of Washington: Committee on Rules. House Resolution 599. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-909). Referred to the House Calendar.

Mr. REYNOLDS. Committee on Rules. House Resolution 600. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106-910). Referred to the House Calendar.

Mr. YOUNG of Arkansas: Committee on Resources. S. 1653. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; with an amendment (Rept. 106-911). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Arkansas: Committee on Resources. H.R. 2570. A bill to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes. (Rept. 106-912) Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 4827. A bill to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes; with an amendment (Rept. 106-913) Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NADLER:
H.R. 5330. A bill to amend the Vaccine Injury Compensation Program, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. TALENT, Mr. WATTS of Oklahoma, Ms. NORTON, Mr. HILLIARD, Mr. CLAY, Ms. LEE, Mr. RANGEL,

Mr. PAYNE, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. WYNN, Mr. CLYBURN, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. TOWNS, Mr. FROST, Mr. EVANS, Mr. OWENS, Mr. DIXON, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. FORD, Mrs. CLAYTON, Ms. BROWN of Florida, Mr. DAVIS of Virginia, Mr. DICKS, Mr. JEFFERSON, Mr. LATOURETTE, Mr. MORAN of Virginia, Mr. BISHOP, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. BACA, Mr. PASCRELL, Mr. SAXTON, Mr. PALLONE, Mr. RUSH, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. CAPUANO, Mrs. LOWEY, Mr. LAZIO, Mr. FRANKS of New Jersey, Mr. POMEROY, Mr. EWING, Mr. PETERSON of Minnesota, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Ms. CARSON, Mr. SESSIONS, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. SCOTT, Ms. WATERS, Mr. NADLER, Mr. SABO, Mr. PORTMAN, Mr. GREEN of Wisconsin, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. McNULTY, Mrs. MINK of Hawaii, and Mr. SNYDER):

H.R. 5331. A bill to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass; to the Committee on Resources.

By Mr. BRYANT:

H.R. 5332. A bill to amend the motor vehicle safety chapter of title 49, United States Code to make it illegal for any person to sell a tire which is the subject of a recall; to the Committee on Commerce.

By Mr. CUMMINGS:

H.R. 5333. A bill to amend title 5, United States Code, to revise the overtime pay limitation for Federal employees, and for other purposes; to the Committee on Government Reform.

By Mr. DICKEY:

H.R. 5334. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork 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. ENGLISH:

H.R. 5335. A bill to amend the Federal Election campaign Act of 1971 to require candidates for election for Federal office to raise the majority of their contributions from individuals who reside in the State the candidate seeks to represent, and for other purposes; to the Committee on House Administration.

By Mr. FORBES (for himself and Mr. ENGEL):

H.R. 5336. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale to a governmental unit of land or an easement therein for open space conservation purposes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself and Mr. DEFazio):

H.R. 5337. A bill to revise the laws of the United States relating to United States

cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 5338. A bill to amend the Homeowners Protection Act of 1998 to provide for cancellation of FHA mortgage insurance for mortgages on single family homes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. McNULTY, Mr. BOEHLERT, Mr. LARSON, and Mr. HUNTER):

H.R. 5339. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. SHAYS, Mr. GILMAN, Mrs. LOWEY, and Mr. ENGEL):

H.R. 5340. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H.R. 5341. A bill to preserve the requirement for the annual bank fee report by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. PETERSON of Minnesota (for himself, Mr. OBERSTAR, Mr. LAHOOD, Mr. PETRI, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. WALSH, Ms. KAPTUR, Ms. BALDWIN, Mr. SCHAFFER, Mr. DICKS, Mr. FROST, Mr. EVANS, Mr. CRAMER, Mr. HINCHEY, Mr. McDERMOTT, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MCCOLLUM, Mr. OLVER, Mr. HUTCHINSON, Mr. FILLNER, Mr. BONIOR, and Mrs. KELLY):

H.R. 5342. A bill to amend title 10, United States Code, to provide more equitable civil service retirement and retention provisions for National Guard technicians; to the Committee on Armed Services.

By Mr. THOMAS:

H.R. 5343. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers using the income forecast method of depreciation to treat costs contingent on income in the same manner as fixed costs to the extent determined by reference to the estimated income under such method, and for other purposes; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself, Mr. GREENWOOD, Mr. SCHAFFER, Mr. HOSTETTLER, and Mr. SOUDER):

H.R. 5344. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, 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. EVERETT (for himself, Ms. BROWN of Florida, Mr. STUMP, and Mr. EVANS):

H. Con. Res. 413. Concurrent resolution expressing the sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items; to the Committee on Veterans Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. PITTS, Mr. LANTOS, Mr. ROHRABACHER, Mr. ROYCE, and Mr. BEREUTER):

H. Con. Res. 414. Concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. COX, Mr. WOLF, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. PORTER, and Mr. ROHRABACHER):

H. Res. 601. A resolution expressing the sense of the House of Representatives that without improvement in human rights the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China; to the Committee on International Relations.

By Mr. BROWN of Ohio (for himself, Mr. BONIOR, Mr. OBEY, Mr. BORSKI, Ms. PELOSI, Mr. LIPINSKI, and Ms. KAPTUR):

H. Res. 602. A resolution supporting the policy announced by the Secretary of Transportation to delay implementation of the provisions of the North American Free Trade Agreement that allow access for Mexican trucks to all United States roads as of 2000, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and International Relations, 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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. ROGAN, Mr. MEEKS of New York, Mr. STUMP, Mr. WEINER, Mr. SAXTON, Mrs. EMERSON, Ms. MILLENDER-MCDONALD, Mr. QUINN, and Mr. BLAGOJEVICH.
H.R. 353: Mr. WATKINS.
H.R. 455: Mr. ENGEL, Ms. CARSON, and Mr. EVANS.

H.R. 460: Mr. LEWIS of Georgia.

H.R. 534: Mr. ENGLISH and Mr. PETERSON of Pennsylvania.

H.R. 710: Mr. WALDEN of Oregon.

H.R. 762: Mr. TOOMEY.

H.R. 837: Mr. TIERNEY.

H.R. 842: Mr. HOLDEN.

H.R. 856: Ms. RIVERS.

H.R. 860: Mr. LATOURETTE.

H.R. 865: Mr. BONIOR.

H.R. 870: Mr. DUNCAN, Mr. COLLINS, and Mr. HALL of Texas.

H.R. 1046: Mr. ROTHMAN.

H.R. 1195: Ms. HOOLEY of Oregon.

H.R. 1196: Ms. RIVERS.

H.R. 1323: Mr. BILBRAY.

H.R. 1396: Mrs. ROUKEMA.

H.R. 1491: Mr. PALLONE.

H.R. 1601: Mr. BARR of Georgia.

H.R. 1697: Mr. UDALL of New Mexico, Mr. KANJORSKI, and Ms. JACKSON-LEE of Texas.

H.R. 1732: Mrs. ROUKEMA.

H.R. 1769: Mr. FILNER.

H.R. 1771: Mr. SHERWOOD.

H.R. 1841: Mr. PASCRELL.

H.R. 2000: Mrs. CAPPS.

H.R. 2166: Mr. FRELINGHUYSEN, Mr. NEAL of Massachusetts, Mr. BARTLETT of Maryland, Mr. BERMAN, Mr. COSTELLO, and Mr. PASCRELL.

H.R. 2175: Mr. WEYGAND.

H.R. 2341: Mr. GORDON, Mr. MORAN of Kansas, Mr. DAVIS of Florida, and Mr. LEACH.
 H.R. 2720: Mr. WATT of North Carolina.
 H.R. 2741: Ms. LEE, Mr. MEEHAN, and Ms. ESHOO.
 H.R. 2894: Mr. BOYD and Mr. MILLER of Florida.
 H.R. 2899: Mrs. LOWEY.
 H.R. 2953: Mr. MCHUGH.
 H.R. 3174: Mr. HALL of Texas.
 H.R. 3192: Mrs. CHRISTENSEN and Ms. JACKSON-LEE of Texas.
 H.R. 3430: Mrs. LOWEY, Mr. MCGOVERN, Ms. PELOSI, Mrs. MEEK of Florida, Mr. MCHUGH, Mr. GONZALEZ, Mr. BARRETT of Wisconsin, Ms. MILLENDER-MCDONALD, and Mr. STARK.
 H.R. 3514: Mr. SPRATT and Mr. PASCRELL.
 H.R. 3590: Mr. BONILLA, Mr. MCCOLLUM, Mr. SCHAFFER, Mr. MILLER of Florida, and Mr. BLUNT.
 H.R. 3650: Mr. ANDREWS and Mr. STARK.
 H.R. 3700: Mr. SERRANO, Mr. CASTLE, and Mr. SHAW.
 H.R. 3732: Mr. SPRATT.
 H.R. 3981: Mr. KLINK.
 H.R. 4025: Mr. TANCREDO and Mr. LAHOOD.
 H.R. 4046: Mr. UDALL of New Mexico.
 H.R. 4219: Mr. SHIMKUS.
 H.R. 4274: Mr. UDALL of Colorado and Ms. ESHOO.
 H.R. 4277: Mr. MANZULLO.
 H.R. 4390: Mrs. CLAYTON.
 H.R. 4434: Mr. JONES of North Carolina, Ms. SLAUGHTER, and Mr. HAYWORTH.
 H.R. 4506: Mr. ETHERIDGE, Mr. FROST, Mr. NADLER, Mr. PAYNE, Mr. MATSUI, Ms. DELAURO, Mr. DOYLE, Mr. ROMERO-BARCELO, Mrs. MORELLA, Mr. BISHOP, Mr. PASCRELL, Ms. SLAUGHTER, Mr. QUINN, Mr. UPTON, Mr. HINCHEY, Mr. GORDON, Mr. GOODE, Mr. INSLEE, Mr. BACA, and Mr. BONIOR.
 H.R. 4536: Mrs. MORELLA and Mr. GUTIERREZ.
 H.R. 4543: Mr. ISAKSON.
 H.R. 4580: Ms. HOOLEY of Oregon.
 H.R. 4669: Mr. HAYWORTH.
 H.R. 4677: Mr. SESSIONS.
 H.R. 4707: Mr. WEXLER, Mr. WYNN, Mr. DELAHUNT, Mr. FROST, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. CROWLEY, Mr. PASTOR, Mr. TOWNS, and Mr. BLAGOJEVICH.
 H.R. 4723: Mr. COX.
 H.R. 4728: Mr. FATTAH, Mr. HILLIARD, Mr. NEY, Ms. LEE, and Mr. LATHAM.
 H.R. 4740: Mr. MARKEY, Mr. SERRANO, and Mr. ALLEN.

H.R. 4746: Mr. VISCLOSKY.
 H.R. 4747: Mr. MCINNIS.
 H.R. 4821: Mr. HILLIARD, Ms. PELOSI, Mrs. EMERSON, Mr. FILNER, Mr. EVERETT, and Mr. DEFAZIO.
 H.R. 4841: Mr. COMBEST.
 H.R. 4867: Ms. JACKSON-LEE of Texas and Mr. TOWNS.
 H.R. 4878: Mr. SHERWOOD.
 H.R. 4902: Mr. NORWOOD.
 H.R. 4935: Mr. BAIRD.
 H.R. 4987: Mr. WAMP.
 H.R. 5005: Mr. LANTOS.
 H.R. 5015: Mr. UDALL of New Mexico and Mr. MCGOVERN.
 H.R. 5028: Mr. CALVERT and Mr. PITTS.
 H.R. 5068: Mr. MCCOLLUM, Mr. WEXLER, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. DAVIS of Florida, Mr. BOYD, Mr. DEUTSCH, Mr. FOLEY, Mr. MILLER of Florida, and Mr. CANADY of Florida.
 H.R. 5132: Mr. BORSKI and Mrs. MALONEY of New York.
 H.R. 5137: Ms. MILLENDER-MCDONALD and Mr. HASTINGS of Washington.
 H.R. 5155: Mr. FILNER, Mr. BARTON of Texas, Mr. WICKER, and Mr. BERMAN.
 H.R. 5178: Mr. CAMPBELL, Mr. PETERSON of Minnesota, Mr. WU, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. ANDREWS, Mr. FATTAH, Mr. REYNOLDS, Ms. KILPATRICK, Mr. PAYNE, Mr. KIND, Mr. ROMERO-BARCELO, Mr. HOLT, Mr. DIAZ-BALART, Mr. PETRI, Mr. BRADY of Pennsylvania, Mr. MALONEY of Connecticut, Ms. BALDWIN, Mr. EVANS, Mr. MCGOVERN, Mr. SCOTT, Mrs. MINK of Hawaii, Mr. HAYES, and Mr. KING.
 H.R. 5185: Mr. MALONEY of Connecticut.
 H.R. 5200: Mr. FROST, Ms. DANNER, Mr. SOUDER, Mr. DEMINT, Mr. PAUL, Mr. SMITH of New Jersey, and Mr. HOSTETTLER.
 H.R. 5211: Mr. GEKAS, Mr. PETERSON of Pennsylvania, and Mr. PITTS.
 H.R. 5220: Mr. FROST, Mr. SANDLIN, Ms. HOOLEY of Oregon, Mr. PICKERING, Mr. HILLEARY, and Mr. CLYBURN.
 H.R. 5222: Ms. DANNER.
 H.R. 5242: Mr. LAZIO, Mr. FORBES, Mr. REYNOLDS, Mr. KING, Mr. SWEENEY, Mr. MCHUGH, Mr. RANGEL, Mr. WEINER, Mr. BOEHLERT, Mr. HOUGHTON, Mrs. KELLY, Mr. SERRANO, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. McNULTY, and Mr. ENGEL.
 H.R. 5265: Mr. GOODLATTE.
 H.R. 5277: Mr. STENHOLM, Mr. BONIOR, Ms. MCCARTHY of Missouri, Ms. MILLENDER-

MCDONALD, Mr. MENENDEZ, Mr. PRICE of North Carolina, Mr. SAWYER, Mr. SPRATT, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. AERCROMBIE, Mr. RANGEL, and Mr. ALLEN.
 H.R. 5291: Mr. BASS.
 H.R. 5315: Mr. RAHALL, Mr. BISHOP, Mr. SKELTON, and Mr. DELAHUNT.
 H.J. Res. 107: Mr. DOYLE.
 H. Con. Res. 137: Mr. MORAN of Virginia.
 H. Con. Res. 308: Mrs. THURMAN and Ms. DANNER.
 H. Con. Res. 321: Mr. GOODLATTE and Mr. BERRY.
 H. Con. Res. 328: Mr. MOAKLEY.
 H. Con. Res. 357: Mr. TAYLOR of Mississippi and Mr. SMITH of Washington.
 H. Con. Res. 363: Ms. KAPTUR, Mr. HALL of Ohio, Mr. PASCRELL, and Mrs. CHRISTENSEN.
 H. Con. Res. 370: Mr. MATSUI.
 H. Con. Res. 377: Mr. CONYERS, Mr. LANTOS, Mr. LAFALCE, Mr. MEEKS of New York, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. BARRETT of Nebraska, Mr. SANDERS and Mr. GOODE.
 H. Con. Res. 382: Mr. HINCHEY, Mr. GREENWOOD and Ms. SLAUGHTER.
 H. Con. Res. 390: Mr. BARR of Georgia, Mr. VITTER, and Mr. MILLER of Florida.
 H. Con. Res. 410: Mr. RAMSTAD.
 H. Con. Res. 412: Mrs. MORELLA and Mrs. KELLY.
 H. Res. 146: Mr. PAYNE.
 H. Res. 398: Mr. GREENWOOD, Mr. CARDIN, and Mr. WALSH.
 H. Res. 596: Mr. BONIOR.

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. 5130: Mr. CAMPBELL.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: JIM DAVIS.

SENATE—Thursday, September 28, 2000*(Legislative day of Friday, September 22, 2000)*

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The guest Chaplain, Dr. Karl Kenneth Stegall, First United Methodist Church, Montgomery, AL, offered the following prayer:

Let us bow in prayer:

Almighty God, Judge of all nations, we offer You today our heartfelt thanks for the good land which we have inherited. We praise You for all of the noble souls who in their own day and generation did give themselves to the call of liberty and freedom, counting their own lives not dear, but giving all devotion to establish a land in the fear of the Lord.

More especially today, we thank You for the Members of this United States Senate. Enlarge their vision, increase their wisdom, purify their motives. We would not ask You to bless what they do, but we would rather ask that they shall do what You can bless.

May they see that in all they do they are acting in Your stead for the well-being of all of the citizens of this great Nation. May they have a lively sense of serving under Your divine providence and a holy remembrance that where there is no vision, Your people perish.

Let them always remember that they serve a public trust far beyond personal gain or glory, and may they always acknowledge their dependence upon You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The acting majority leader is recognized.

Mr. STEVENS. Mr. President, it is my privilege to yield to the distinguished Senator from Alabama, so he might introduce for the RECORD, comments concerning our visiting Chaplain.

The PRESIDING OFFICER. The Senator from Alabama.

THE GUEST CHAPLAIN, DR. KARL KENNETH STEGALL

Mr. SESSIONS. Mr. President, it has been an honor to be with Dr. Karl Stegall this morning and to be blessed by his prayer. He is pastor of the First United Methodist Church of Montgomery, AL. First Methodist is one of the great Methodist churches in Alabama, and, in fact, of all of Methodism. It has had two of its pastors become United Methodist bishops. Indeed, Karl himself was endorsed by the 600 pastors and 600 laity of the Alabama-West Florida Conference for the Episcopality several years ago.

Karl grew up in rural Alabama, not too far from where I did. It is considered to be a poor county, and a poor area, but not poor in things that matter. He even came over to Camden once and won the beef competition with the FFA.

But he has not forgotten his heritage. He has served in his career at First United Methodist Andalusia, First Bonifay, Whitfield Memorial, and was district superintendent. For the last 18 years, he has been pastor of First Methodist.

It has been a heavenly match. That great gothic church, with its soaring ceiling and buttresses and superb choir, has blossomed under his leadership. Attendance has grown. Young people are everywhere. The church has expanded and grown in so many different ways to bless the community. He served as a leader on the Board of Global Ministries of the United Methodist Church and always fought aggressively to ensure that every dollar contributed, as I have heard him say, from the small, individual church men and women, was spent wisely and effectively.

He is loved by all, but he has courage and is willing to speak forcefully. He recently delivered a sermon when Alabama was considering whether or not to adopt a lottery. He questioned the wisdom of having the State encourage people to invest their money in random chances to be rich. That sermon was received very well, passed all over the State, and the State eventually rejected that choice.

His wife, Brenda, and he have been partners throughout their ministry, and they have two daughters. He is a beloved minister by his congregation, by his fellow ministers, and respected by all in the community.

He is a Christian clergyman of the finest kind. While he would have been successful in any profession, he chose to give his life to the greatest profession.

By his fine prayer today, we are blessed. By his life and ministry, the people of his church have been blessed. And by his presence today he serves as a recognition of the constant and superb service delivered by tens of thousands of ministers throughout this Nation who daily enrich the lives of their parishioners; who serve them in times of illness and sickness; who minister to them in times of emotional stress, divorce, and all kinds of family challenges; who celebrate with them marriages and births. Those thousands and thousands of ministers who do that daily are not run by the Federal Government. They are not paid by this Government, but they are there, serving their faith and their Lord.

So we are, indeed, delighted to have with us today one of our finest Christian ministers in the State of Alabama, Dr. Karl Stegall.

I thank the Chair.

SCHEDULE

Mr. STEVENS. Mr. President, I wish to make this statement for the leader. Today, the Senate will immediately begin consideration of H. J. Res 109, the continuing resolution. Under the previous agreement, there will be up to 7 hours for debate with a vote scheduled to occur after the use of the time or after the yielding back of the time. After the adoption of the continuing resolution, the Senate will proceed to a cloture vote in regard to the H-1B visa bill. Therefore, Senators can expect at least two votes during this afternoon's session of the Senate.

As a reminder, tomorrow evening is the beginning of Rosh Hashanah. Therefore, the Senate will complete its business today and will not reconvene until Monday, October 2, in observance of this religious holiday.

RESERVATION OF LEADER TIME

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

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order the Senate now proceed to the consideration of H.J. Res. 109, which the clerk will report.

The legislative clerk read as follows: A joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is advanced to third reading.

The joint resolution (H. J. Res. 109) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There will now be up to 7 hours for final debate, with 6 hours under the control of the Senator from West Virginia, Mr. BYRD, and 1 hour under the control of the Senator from Alaska, Mr. STEVENS. The Senator from Alaska.

Mr. STEVENS. As an opening statement on this continuing resolution that is now before the Senate, I want to state that this is a simple 6-day continuing resolution. This bill will fund ongoing Federal programs at the same rate and under the same conditions as currently applied to each agency of our Federal Government.

The continuing resolution now pending before the Senate is in the same form as those passed in previous years to bridge Federal spending until the full year's appropriations acts are completed. This committee has made good progress this week in advancing work on the fiscal year 2001 bills. The energy and water bill was filed last night and should be taken up in the House later today. Work is nearly completed on the Interior appropriations bill, and the conference on the Transportation bill will meet later today. I want to assure all of our colleagues of our determination to complete the work of the Appropriations Committee within the next week, to meet the target adjournment date of Friday, October 6.

Hopefully, this will be the only CR needed for the remainder of the consideration of the appropriations bills for the fiscal year 2001.

A second continuing resolution may, however, be needed to ensure the President has the required period that the Constitution gives him to review the bills that are passed by the House and Senate as conference reports once they are presented to the President.

Mr. President, we are in a difficult situation this year because we are adjourning this evening and will not be here through the full period of September. We will miss 2 days of the time we would otherwise have to complete our work. Therefore, it is necessary that the Senate approve this continuing resolution.

I urge the Senate to do so and we will strive to complete our work within the next week.

Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, in order that I do not lose the time allotted to me, 1 hour, I ask unanimous consent that the time of the quorum call not be charged against either side.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, what is the item before the Senate, the question?

The PRESIDING OFFICER. H.J. Res. 109. The Senator from West Virginia controls 6 hours and the Senator from Alaska 1 hour.

Mr. BYRD. I thank the Chair.

Has any time been charged against—

The PRESIDING OFFICER. The Senator from Alaska has used 3 minutes. There has been no time charged against the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, to begin with, I should say that I intend to support the short-term continuing resolution. I think it is very important that we do so. But I have reserved this time for the purpose of expressing concerns about what is happening to the Senate and, in particular, what is happening to the appropriations process. Several of my colleagues will join me as we move through the morning and the afternoon. I shall do so without, of course, pointing my finger of criticism at any Senator, naming any Senator. I merely want to talk about what is happening to our Senate, its rules, its processes. And I intend to abide by the rules concerning debate. I say that at the start.

Mr. President, section 7, article I, of the U.S. Constitution, states: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Let me quote again the last portion of section 7, article I: "but the Senate may propose or concur with amendments as on other bills," meaning the Senate may propose or concur with amendments on any bill, whether it is a revenue bill or otherwise. When I say "bills," I include, of course, resolutions.

Thus, Mr. President, the organic law of our Republic assures Senators—all Senators; Republicans and Democrats—the right to offer amendments, not only to bills for raising revenue, but also "other bills."

The requirement that revenue bills shall originate in the House of Representatives grew out of the Great Compromise, which was entered into on July 16, 1787. It was this Great Compromise that provided for equality of the States in the Upper House, with each State, large or small, having two votes. And, but for which, the Constitutional Convention would have ended in failure, and instead of a United States of America, which we have today, we would have had, in all likelihood, a "Balkanized States of America" from sea to shining sea—from the Atlantic to the Pacific—from the Canadian border to the Gulf of Mexico. The small States at the Constitutional Convention were adamant in their demands for equal status with the large States in the Upper House, regardless of size or population, so that the small State of Rhode Island, for example, had an equal vote in the Senate with the large State of New York which was larger and with a greater population. All States are equal in this body.

When the large States yielded to the small States in this regard, the way was open and paved for eventual success in the attainment of the Constitution which was then sent to the States for ratification. As a part of that compromise, the large States demanded that revenue bills originate in the House of Representatives.

Thus, the freedom to offer amendments in the Senate is assured by the Constitution of the United States. And what about the freedom to speak? What about the freedom to debate? Is that assured in the Senate? Yes. Section 6 of article I of the United States Constitution states:

And for any speech or debate in either House, they shall not be questioned in any other place.

So I cannot be questioned in any other place. James Madison, who was a Member of the other body could not be questioned in any other place. No Senator could be questioned in any other place. But what about the freedom to debate at length; in other words, what about a filibuster? Is there any limitation on debate in the Senate today? No, except when cloture is invoked, or when there are time limitations set by unanimous consent of all Senators.

Debate could be limited under rule 10 of the 1778 rules of the Continental Congress, by the adoption of the previous question. Likewise, when the Senate adopted its 1789 rules under the new Constitution, debate could be limited by invoking the previous question. However, in its first revision of the Senate rules in 1806, the Senate dropped the motion for the previous question. As a matter of fact, Aaron Burr, when he left the Vice Presidency in 1805, recommended that the previous question be dropped. Until 1917, when the first cloture rule was adopted, there was no limitation on debate in

the Senate, unlike the House of Representatives, where the previous question can still be moved even today.

As we all know, of course, 60 votes are required in the Senate to invoke cloture and thus limit debate. The previous question not being included in the Senate rules, just what is the "previous question"? Thomas Jefferson in his "Manual" explains it as follows: "When any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter . . . if the nays prevail, the main question shall not then be put."

Hence, the use of the motion to put the previous question is an effective way to end debate and vote immediately on the main question.

As the distinguished Presiding Officer knows—the Chair being occupied at the moment by the distinguished Senator from Kentucky, Mr. BUNNING—in the other body, the previous question can be used to end debate, if a majority of the Members there so desire. But that is not so in the Senate. It was so until 1806, but no more in the Senate.

Of the various legislative branches throughout the world today, only 60 are bicameral in nature, and of these 60 bicameral legislatures around the world, only the Upper Houses of the U.S. and Italy are not subordinated to the Lower House. Senators should understand what a privilege it is to serve in the U.S. Senate. The U.S. Senate is the premiere Upper Chamber in the world, two of the main reasons being that in the U.S. Senate there exists the right of unlimited debate and the right to offer amendments.

Another singular feature of the U.S. Senate is in the fact that it is the forum of the States. It is not just a forum; it is the forum of the States. The Senate, therefore, represents the "Federal" concept, while the House of Representatives, being based on population, represents the "national" concept in our constitutional system. In the very beginning, the Senate was seen as the bulwark of the State governments against despotic presidential power; it was the special defender of State sovereignty. It was meant to be and exists today as the special defender of State sovereignty. The Senate was also seen as a check against the "radical" tendencies which the House of Representatives might display.

I have been a Member of this body now for 42 years, and the longer I serve, the more convinced I am of the efficacy of the Senate rules as protectors of the Senate's right to unlimited debate and the Senate's right to amend. The Senate is not a second House of Representatives, nor is it an adjunct to the House of Representatives. It is a far

different body from the House of Representatives. And it is a far different body by virtue of the Constitution and by virtue of Senate rules and precedents. The Constitution and the Senate rules have made the Senate a far different body from the House of Representatives.

Thomas Jefferson, in his *Manual of Parliamentary Practice*, emphasized the importance of adhering to the rules:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of the Administration, and those who acted with a majority of the House of Commons, than a neglect of, or departure from, the rules of proceedings; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far, the maxim is certainly true—

Continued Mr. Onslow, speaking of the British House of Commons—

and is founded in good sense, as it is always in the power of the majority, by their number, to stop any improper measure proposed on the part of their opponents—

The minority—

the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and become the law of the House—

He was talking about the law of the House of Commons—

by a strict adherence to which the weaker party—

Meaning the minority—

can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Now there you have it from the mother country, from the House of Commons. So when we speak of rules, Mr. Onslow laid it out very clearly as to the supreme importance of the rules as protectors of a minority.

Jefferson went on to say:

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker—

Jefferson is talking about the Speaker of the House of Commons, and he is also referring to the Speaker in the House of Representatives.

—or capriciousness of the members.

Once more, this is Jefferson talking:

It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Nothing could be more true than Jefferson's observations which I have read in part.

Now, Mr. President, my own experience with the Senate rules compels me to appreciate the wisdom that Vice President Adlai Stevenson expressed in his farewell address to the Senate on March 3, 1897. I believe his observation is as fitting today as it was at the end of the 19th century. Let me say that again. I believe his observation is as fitting today, as we close the 20th century, as it was at the end of the 19th century. Here is what he said:

It must not be forgotten that the rules governing this body—

The Senate—

are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules, the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved without restraint—

This is Adlai Stevenson talking here—

two essentials of wise legislation and of good government: the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

How true. I hope that Senators will read again these words that were spoken by our ancestors concerning the importance of the rules and precedents, the importance of amendments, the right to amend, and the importance of the freedom to debate at length. I hope Senators will read this.

We all know that the Senate is unique in its sharing of power with the President in the making of treaties, and in its confirmation powers with respect to nominations, as well as in its judicial function as the sole trier of impeachments brought by the House of Representatives. The Senate is also unique in the quality that exists between and among states of unequal territorial size and population. But we must not forget that the right of extended, and even unlimited debate, together with the unfettered right to offer amendments, are the main cornerstones of the Senate's uniqueness. The right of extended debate is also a primary reason that the United States Senate is the most powerful Upper Chamber in the world today.

The occasional abuse of this right has a painful side effect, but it never has been—I am talking about the right to debate at length; I am talking about filibusters, if you please—never will be

fatal to the overall public good in the long run.

The word "filibuster" has an unfortunate connotation. But there have been many useful filibusters during the existence of this Republic. I have engaged in some of them. There has not been a real, honest to goodness old-type filibuster in this Senate in years and years.

Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad. Filibusters have proved to be a necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be "that remarkable body" about which William Ewart Gladstone spoke—"the most remarkable of all the inventions of modern politics."

Without the potential for filibusters, that power to check a Senate majority or an imperial presidency would be destroyed.

The right of unlimited debate is a power too sacred to be trifled with. Our English forebears knew it. They had been taught by sad experience the need for freedom of debate in their House of Commons. So they provided for freedom of debate in the English Bill of Rights in 1689. And our Bill of Rights, in many ways, has its roots deep in English parliamentary history. As Lyndon Baines Johnson said on March 9, 1949: ". . . If I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. . . . I would send to those nations the right of unlimited debate in their legislative chambers. . . . If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities."

I served with Lyndon Johnson in this Senate when he was the majority leader. We had some real filibusters in those days. I sat in that chair up there 22 hours on one occasion—22 hours in one sitting—almost a day and a night. So Lyndon Johnson was one who could speak with authority based on experience in that regard.

Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

I am not here today to advocate filibusters. I am talking about the freedom of debate—unlimited debate, if necessary.

Furthermore, a majority of Senators, at a given time and on a particular

issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous states may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the states are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Take the Civil Rights Act of 1964, for example. From the day that Senator Mike Mansfield, then the majority leader, submitted the motion to proceed to the civil rights bill to the day that the final vote was cast on that bill, 103 calendar days had passed—103 days on one bill, the Civil Rights Act of 1964. That is almost as many days on one bill in 1964 as the Senate has been in session this whole year to date.

Mr. President, the Framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House of Representatives in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run.

The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. It is not just for the convenience of Senators that there be a forum in which free and unlimited debate can be had. More importantly, the liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. That forum is here in this Chamber.

The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check of all against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. Senators ought to reflect on these things. There is nothing like history and the experience of history that can teach the lessons that we can learn from the past. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive.

Mr. President, we have reviewed briefly these facts about the U.S. Senate: (1) That it is a legislative body in which the smaller states, like the State of West Virginia, like the State of Kentucky, like the State of Rhode

Island, the State of Wyoming, the State of Montana, regardless of territory or the size of population, are equal to the larger states in the union, with each state having two votes; (2) that it is a forum of the states and, from the beginning, was representative of the sovereignty of the individual states within the federal system; (3) that aside from its uniqueness with respect to treaties, nominations, and impeachment trials, the Senate is unique among the Upper Chambers of the world in that it is a forum in which amendments can be offered to bills and resolutions passed by the Lower House, and in which its members have a right to unlimited debate. The Senate has, therefore, been referred to as the greatest deliberative body in the world. Because of its members' rights to amend and to debate without limitation as to time, Woodrow Wilson referred to the Senate as the greatest Upper Chamber that exists. Because of its unique powers, the record is replete throughout the history of this republic with instances in which the Senate has demonstrated the wisdom of the Framers in making it the main balance wheel in our Constitutional system of separation of powers and checks and balances. It is a chamber in which bad legislation has been relegated to the dust bin, good legislation has originated, and the people of the country have been informed of the facts concerning the great issues of the day. Woodrow Wilson, himself, stated that the informing function of the legislative branch was as important if not more so than its legislative function.

It has checked the impulsiveness, at times, of the other body, and it has also been a check against an overweening executive. In the course of the 212 years since its beginning in March 1789, the Senate has, by and large, fulfilled the expectations of its Framers and proved itself to be the brightest spark of genius that emanated from the anvil of debate and controversy at the Constitutional Convention in Philadelphia during that hot summer of 1787. However, over the last few years, however, I have viewed with increasing concern that the Senate is no longer fulfilling, as it once did, its *raison d'être*, or purpose for being.

More and more, the offering of amendments in the Senate is being discouraged and debate is being stifled. I can say that because I've been here. Quite often, when bills or resolutions are called up for debate, the cloture motion is immediately laid down in an effort to speed the action on the measure and preclude non germane amendments. Mike Mansfield, when he was leader, seldom did that. During the years that I was leader, I very seldom did that. The Republican leaders Baker and Dole seldom did that.

Following my tenure as majority leader, that has been done increasingly. I am not attempting to say that

Mike Mansfield or I were great leaders at all; I am not attempting to do that. But I am saying that through Johnson's tenure, for the most part, through Mansfield's tenure, through my tenure as majority leader and through the tenures of Howard Baker and Bob Dole, the Senate adhered to its rules and precedents; seldom did it do otherwise.

Moreover, the parliamentary amendment tree is frequently filled as a way of precluding the minority from calling up amendments. I filled the parliamentary tree on a very few occasions. I, again, have to call attention to my own tenure as majority leader because through the tenures of Johnson and leaders before Johnson on both sides of the aisle, the rules of the Senate were virtually considered sacred.

The minority is also frequently pressured to keep the number of amendments to a minimum or else the particular bill will not even be called up—or, if it is pending, the bill will be taken down unless amendments are kept to a minimum. That is happening in this Senate.

Unlike the House of Representatives, there is no Rules Committee in the Senate that serves as a traffic cop over the legislation and that determines whether or not there will be any amendments and, if so, how many amendments will be allowed and who will call up such amendments. On occasion, the House Rules Committee will determine perhaps that one amendment will be called up by Mr. So-and-So. But not so with the Senate. We don't have a Rules Committee that serves as a traffic cop.

Could there be a desire on the part of the Senate majority leadership to make the Senate operate as a second House of Representatives? Of the 100 Senators who constitute this body today, 45, at my last count, came from the House of Representatives—45 out of 100. At no time in my almost 42 years in the Senate have I ever entertained the notion that the Senate ought to be run like the House of Representatives, where amendments and unlimited debate are often looked upon as alien to the legislative process. What is the hurry? What is the hurry? There is ample time for the offering of amendments and for debating them at length, if the Senate will only put its shoulder to the wheel and work.

We still have 7 days, just as there were in the beginning of creation. The calendar doesn't go that far back, but we still have 7 days a week. And we still have 24 hours a day, as was the case in Caesar's time. And the edict of God, as he drove Adam and Eve from the garden and laid down the law that by the sweat of his brow man would eat bread—that edict is still the case. We still have to eat bread and we still are supposed to earn our living through the sweat of our brow. Nothing has changed.

We have plenty of time. And we get paid. I am one who gets paid for my work in the Senate. I don't like Sunday sessions, but we have had a few over the years. I am against Sunday sessions. But I am not against working on Saturdays. During that civil rights debate, which I was talking about a while ago, there were six Saturdays in which the Senate was in session. It is not an unheard-of thing.

It is far more important for the Senate to engage in thorough debate and for Senators to have the opportunity to call up amendments than it is for the Senate to have many of the Mondays and Fridays left unused insofar as real floor action is concerned.

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

Mr. BYRD. Yes, I will very shortly.

It is far more important for the Senate to engage in thorough debate, and for Senators to have the opportunity to call up amendments, than it is for the Senate to be out of session on Mondays and Fridays. It seems to me that we should be more busily engaged in doing the people's business.

Instead, it seems to me—and, of course, I am not infallible in my judgments—it seems to me that the Senate is more concerned about relieving Senators who are up for reelection—and I am one of them this year—relieving Senators who are up for reelection from the inconvenience of staying on the job and working early and late, than in fulfilling our responsibilities to our constituents. Some might conclude that it is more important for Senators to have Mondays and Fridays in which to raise money for a reelection campaign than it is for us to give to our constituents a full day's work for a full day's pay.

Now I am glad to yield to my friend.

Mr. REID. I say to my friend from West Virginia in the form of a question—the segue is better now than when I asked the first question because what I want to say to the Senator from West Virginia is, I haven't been here nearly as long as you have been here, but I have seen, in the 18 years I have been here, how things have changed. Why have they changed? Because of the unbelievable drive to raise money. Everybody has to raise money. On Mondays, on Tuesdays, on Wednesdays, on Thursdays, on Fridays, on Saturdays, and, I am sorry to say, on Sundays. I say to my friend from West Virginia, don't you think that is the biggest problem around here, the tremendous, overpowering demand for money because of television?

In the form of a dual question: Don't you think, if we did nothing else but eliminate corporate money, which the Congress in the early part of last century, or by the Senator's reasoning this century, early 19—

Mr. BYRD. Not by the Senator's reasoning, but because it is the 20th cen-

tury still, until midnight December 31 this year. Regardless of what the media says, regardless of what the politicians say, this year is still in the 20th century.

Mr. REID. I say to my friend in the form of a question: In the early part of this century, Congress had the good sense to outlaw, in Federal elections, corporate money. Of course, the Supreme Court changed that a few years ago. I ask the Senator, wouldn't we be well served if we eliminated, among other things, corporate money in campaigns on the Federal level in any form or fashion?

Mr. BYRD. There is no question about that, if one looks at the facts carefully. Having been majority leader and having been minority leader, I can testify as to the pressures that are brought on the majority and minority leaders by Senators who have to get out and run across this country, holding out a tin cup as it were, saying: Give me, give me, give me money.

I have had to do that. In 1982, I had an incumbent in the other body from West Virginia who ran against me. I had to go all over this country. I had to go to California. I had to go to New York. I had to go to Alabama. I had to go to Texas. I was all over the country. But I didn't go during the Senate workdays, and in those days, the Senate worked. I had to go on Sundays, for the most part.

(Mr. ALLARD assumed the Chair.)

Mr. REID. One last question?

Mr. BYRD. Yes.

Mr. REID. Wouldn't the Senator acknowledge things are much worse today than they were in 1982?

Mr. BYRD. They are much worse, and they are growing worse and worse and worse every day and every election. It is a disgrace and it is demeaning. The most demeaning thing that I have had to do in my political career is to ask people for money.

When I was majority leader in the 100th Congress, former Senator David Boren of Oklahoma and I introduced legislation to reform the campaign financing system.

I am not one of the "come lately boys" in this regard. I, as majority leader then, and former Senator David Boren introduced that legislation. The other side of the aisle—I do not like to point to the other side of the aisle as so many Senators today, unfortunately, like to do—but the other side of the aisle—namely, the Republicans in the Senate in that instance—voted consistently eight times against cloture motions that I offered to bring the debate to a close. There were four or five Republicans who did break from the otherwise solid bloc and voted with the Democrats on that occasion to break the filibuster against the campaign financing bill.

Go back to the RECORD. Read it. Senators might do well to go back to the

RECORD and see who those Senators were who broke from the Republican bloc. A handful broke from the Republican bloc and voted to end the filibuster against that campaign financing bill. Eight times I offered cloture motions. No other majority leader has ever offered eight cloture motions on the same legislation in one Congress. And eight times I was defeated in my efforts to invoke cloture.

Chapter 22, Verse 28 of the Book of Proverbs—we are talking about Solomon's sayings now for the most part—admonishes us: "Remove not the ancient landmark, which thy fathers have set." We seem to be doing just the opposite. The Founding Fathers' grant to us of the right to amend and the right to unlimited debate has been, I believe, shifted off course, to the point that these two well-advised attributes of power are being voided, and for what reason? Could it be that the Senate Republican leadership fails to appreciate and fully understand the Senate, fails to understand American Constitutionalism, and fails to understand the purposes which the constitutional framers had in mind when they created the Senate. Or might we suppose that the senatorial powers that be are simply determined to be a Committee of Rules unto themselves and are determined to try to remold the Senate into a second House of Representatives? The fact cannot be ignored that 45 of the 100 Members of today's Senate came here from the House of Representatives. A political observer might also be surprised to find that 59 of today's 100 Senators came to the Senate subsequent to my final stint as majority leader.

Noble are the words of Cicero when he tells us that "It is the first and fundamental law of history that it neither dare to say anything that is false or fear to say anything that is true, nor give any just suspicion of favor or disaffection."

I believe that no less a high standard must be invoked when considering the Senate of today and comparing it with the Senate of the past. Having spent more than half of my life in the Senate, I would consider myself derelict in my duty toward the Senate if I did not express my concerns over what I see happening to the Senate.

Who suffers, whose rights are denied, whose interests are untended when a Senate minority is denied the right to amend and when a Senate minority is denied the right and opportunity to fully debate the issues that confront the Nation? Is it the individual Senators themselves? Is it I? Do I suffer? No. It is their constituents, it is my constituents who are being denied these opportunities and these rights. It is not Senator so-and-so who, in the final analysis, is being denied the full freedom of speech on this Senate floor or who is being shut out from offering

an amendment—it is Senator so-and-so's constituents, the people who sent him or her to the Senate.

If the Senate is intended to be a check against the impulsiveness and passions of the other body, is not the ability of the Senate to be such a check reduced in direct proportion to the denial to its Members of the opportunity to amend House measures?

In accordance with the Constitution, revenue bills must originate in the House of Representatives and, by custom, most appropriations bills likewise originate in the House, but under the guarantees of the Constitution, as those guarantees flowed from the Great Compromise of July 16, 1787, the Senate has the right to amend those revenue and appropriations bills.

But if the opportunity for Senators to amend is reduced, or even denied, as is sometimes being done, the Senate as an equal body to that of the House of Representatives is being put to a disadvantage. The House can open the door to legislation on an appropriations bill, but if the Senate, if the 100 Senators are denied the opportunity to offer amendments, or are limited in the number of amendments which Senators may offer, the Senate is thereby denied the opportunity to go through that door with amendments of its own, through the door that the other body has opened, and is denied the potential for the achievement of truly good legislation in the final result, and that opportunity is accordingly lessened and the likelihood of legislative errors in the final product is increased.

If the Senate is a forum of the States, in which the small States are equal to the large States, and if this ability of the small States to acquire equilibrium with the large States serves as an offset to the House of Representatives where the votes of the States are in proportion to population sizes, then when the Senate is denied the opportunity to work its will by the avoidance of votes on amendments, are the small States not the greater losers? My State, for one. The Senator from Alaska's State is one.

If the framers saw the Senate as a powerful check against an overreaching executive at the other end of Pennsylvania Avenue, when free and unlimited debate is bridled and the right of Senators to offer amendments is hindered or denied, is not the Senate's power to check an overreaching President accordingly whittled down, especially in instances where such a check is most needed?

I am gravely concerned that, if the practices of the recent past as they relate to enactment of massive, monstrous, omnibus appropriations bills are not reversed, Senators will be reduced to nothing more than legislative automatons. Senators will have given away their sole authority to debate and amend spending bills and other leg-

islation. Much of that authority will have been handed over, by invitation of Congress itself, to the Chief Executive.

The distinguished chairman of the Appropriations Committee, and I, and other chairmen of appropriations subcommittees in this Senate are experiencing this right now.

Only yesterday, in a conference on the Interior Appropriation bill, I called attention to the fact that when I came to Congress 48 years ago, the Members of the House and Senate in that day would have stood in utter astonishment, to see in that conference, on an appropriations bill, the agents of the President of the United States sitting there arguing with Senators and House Members and advancing the wishes of a President.

There they sat in the House-Senate conference. And they tell the conferees what the President will or will not accept in the bill. If this is in the bill, he will veto it. If this is not in the bill, he will veto it, they say.

So, appropriators of the House and the Senate, get ready. You have company. There are other appropriators in this Government other than the elected Members of the House and Senate. There are administration *ex officio* members of the Appropriations conference—believe it or not—who sit like Banquo's ghost at the table when the appropriations are being administered out. What a sad—what a sad—thing to behold.

I said that in the meeting yesterday, as I have said it before in meetings. And I don't mean it to insult or to derogate the agents of the President. They are doing their job, and they are very capable people. I have to apologize to them when I say that. They are there through no fault of their own.

And why are they there? The fault lies here. Because we dither and dither almost a full year through. We put off action on appropriations bills until the very last, when we are up against the prospect of adjournment *sine die*, when our backs are to the wall, and then the President of the United States has the upper hand. His threats of veto make us scatter and run. The result is that all of these bills—or many of them—are crammed into one giant monstrous measure, and that measure comes back to this House without Senators having an opportunity to amend it because it is a conference report. It is not amendable—not amendable. So it is our fault. It really is. And it has been happening in these recent years. So much of that authority will have been handed over, by invitation of Congress itself, in essence, to the Executive.

For fiscal year 1999 an omnibus package was all wrapped together—Senators will remember this—an omnibus package was all wrapped together and run off on copy machines—it totaled some 3,980 pages—and was presented to the House and Senate in the form of an

unamendable conference report. Members were told to take it or leave it. If you do not take this agreement, we will have to stay here and start this process over. We will have to call Members back to Washington from the campaign trail, back to Washington from town meetings, and back to Washington from fundraisers. Senator, the gun is at your head, and it is loaded. You do not know what is in this package, Senator 3,980 pages put together by running the pages—3,980 pages—through copy machines.

Not a single Senator, not one knew what was in that conference report, the details of it. No one Senator under God's heaven knew, really, everything that he was voting on. You do not know what is in this package, we are essentially told, but you either vote for it or we will stay here and start all over again. And in the final analysis, we will come up with about the same package.

We know that these legislative provisions made up more than half of the total 3,980 pages. So what we did there, as we did in fiscal year 1997 and as we did again in fiscal year 2000 was put together several appropriations bills into an unamendable conference report, and Members were forced to vote on what was essentially a pig in a poke without knowing the details.

Do the people of this country know that? Do they know this? Do they know what is happening?

In 1932, in the midst of the Great Depression, a reporter from the Saturday Evening Post asked John Maynard Keynes, the great British economist, if he knew of anything that had ever occurred like that depression. Keynes answered: Yes, and it was called the Dark Ages, and it lasted 400 years.

Well, I can say, as one who lived through that depression in a coal mining town in southern West Virginia and was brought up in the home of a coal miner, I can say that we are now entering the "Dark Ages" of the United States Senate.

Now, when Keynes referred to the Dark Ages being equal to the depression or vice versa and I refer to the Dark Ages of the Senate, this is calamity howling on a cosmic scale perhaps, but on one point, the resemblance seems valid, that being, the people never fully understood and don't fully understand today the forces that brought these things into being.

If the people knew that we had a 3,980-page conference report in which we, their elected representatives, didn't know what was in it, they would rise up and say: What in the world is going on here? It is our money that Senators are spending. You are blindfolded and you have wax in your ears. You don't even know what is in that bill.

Is this the way we want the House and the Senate to operate? Is this what

Senators had in mind when they ran for the United States Senate? If we continue this process, Senators will not be needed here at all. Oh, you can come to the Senate floor once in a while to make a speech or to introduce a bill or to vote on some matter, but at the end of the session, when the rubber hits the road and we get down to what is and what is not going to be enacted in all areas—appropriations, legislation, and tax measures—most Senators won't be needed. Most of us will not be in the room with the President's men. We won't be in the room.

I have seen times when the minority, Democrats in the House and Senate, were not in the room. Who was in the room? The Republican majority, the Speaker of the House and the majority leader of the Senate. They were in the room. Who else? Who was there to represent us Democrats? Who was there? The executive branch was there, its agents. We were left out. The Democratic Members of the House and Senate, not one, not one sat in that conference. I wasn't in it. I was the ranking member of the Senate Appropriations Committee.

So most of us will not be in the room when the decisions are made. The President's agents will be there. They will carry great weight on all matters because we have to get the President's signature. Having squandered the whole year in meaningless posturing and bickering back and forth, we will have no alternative, none, but to buckle under to a President's every demand. And when that hideous process is mercifully finished, we will then call you, Senator, and let you know that we are now ready to vote on a massive conference report, up or down, without any amendments in order. Take it or leave it, Senator. Take it or leave it, Senator DASCHLE. You are the minority leader. You will be left out. Take it or leave it; here is the conference report.

We are in danger of becoming an oligarchy disguised as a Republic. You may well spend all of your time campaigning or speechmaking or doing constituent services back home, you will have very little to say on legislation or appropriations or tax matters.

There is sufficient blame to go around for this total collapse of the appropriations process. Our side feels muzzled. The majority leader has a very difficult job. I know. I have been in his shoes. He has to do the best he can to meet the demands of all Senators.

Part of the solution has to be a greater willingness to work together on both sides of the aisle to ensure that ample opportunities are provided, early in the session, outside of the appropriations process to debate policy differences. We simply must force ourselves to work harder, beginning earlier in the session, to ensure that we do

not continue to abuse the Constitution, abuse the Senate, and ultimately abuse the American people by following the procedure that has resulted in these omnibus packages in 3 of the last 4 years, and which, I fear, is about to be resorted to again this year.

I do see some rays of hope because we have awakened the leadership. I must say, after our squawking and screaming and kicking, the administration this year is insisting that Democrats sit at the table when the crumbs are being parceled out. They insisted because the minority leader has insisted on it and because other voices in the Senate have been complaining.

Cicero said: "There is no fortress so strong that money cannot take it." The power of the purse is the most precious power that we have. It was given to the two Houses by the Constitution, the bedrock of our Government. It was put here—not down at the other end of Pennsylvania Avenue.

I have tried to do my part to help Senators understand our constitutional role. We are the people's elected representatives and they have entrusted us with their vote; those people out there who are watching through the cameras have entrusted us with their vote. That trust must not be treated lightly. This is especially true when it comes to matters that involve appropriations. We are spending their money.

Each of you who is watching through that electronic medium, we are spending your money.

We are stewards of the people's hard-earned tax dollars. They expect, and they ought to demand, that we spend those dollars wisely, and that we scrutinize what we fund and why we fund it.

The Senate is the upper House of a separate branch of Government, with institutional safeguards that protect the people's liberties.

Which party commands the White House at a given time should make no difference as to how we conduct our duties. We are here to work with, but also to act as a check on the occupant of the White House, regardless of who that occupant is. And we are here to reflect the people's will. We are not performing the watchdog function when we invite the White House—literally invite the White House—behind closed doors and play five-card draw with the people's tax dollars.

Mr. President, I fear for the future of this Senate. I think the people are very disenchanting with Congress and with politics in general. They are catching on to our partisan bickering and they don't like what they hear and see.

The people are hungry for leadership. They ask us for solutions to their problems. They expect us to protect their interests and to watch over their hard-earned tax dollars. They entrust us with their franchise and they ask that

we ponder issues and debate issues and use their proxy wisely. They ask that we protect their freedoms by holding fast to our institutional and constitutional responsibilities.

Too often, we lose sight of the fact that partisan politics is not the purpose for which the people send us here. We square off like punch-drunk gladiators and preen and polish our media-slick messages in search of the holy grail of power or a headline. I am a politician; I can say that. We fail to educate the people and ourselves on issues of paramount and far-reaching importance for this generation and for the next generation. It is a shame and it is a waste because there is much talent in this Chamber, and there is much mischanneled energy. This Senate could be what the framers intended, but it would take a new commitment by each of us to our duties and to our oaths of office. And it would take a massive turning away from the petty little power wars so diligently waged each week and each month in these Halls.

Our extreme tunnel vision has been duly noted by the American people, I assure Senators. The American people are a tolerant lot, but their patience is beginning to fray.

And when their disappointment turns to dismay, and finally to disgust, we will have no one to blame but ourselves.

Mr. President, I have more to say, but I see other Senators. If they wish to speak on this subject, I will be glad to yield them time. Does the distinguished Senator from California wish to speak?

Mrs. BOXER. Mr. President, I would really appreciate the opportunity to comment on some of the Senator's points and then make a couple other points. As I understand it, the Senator controls the time; is that correct?

Mr. BYRD. I control the time from the beginning, 6 hours.

Mrs. BOXER. May I respectfully request about 20 minutes of that time?

Mr. BYRD. Mr. President, I gladly yield 20 minutes to the very distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator from West Virginia, who is, I have to say, the most respected Senator in this Chamber. When he speaks, I do think that both sides listen. I believe that his remarks today are not partisan at all. I think that he has been critical of both sides and he has been critical of the administration.

I want to pick up on some of Senator BYRD's remarks. I had the honor of serving on the Appropriations Committee for a period of time. Senator FEINSTEIN now holds that seat, and who knows, maybe some day I will be able to reclaim it. California is such a large State that I think there is a real understanding on my side of the aisle

that one of us should be sitting on that committee.

In that situation you have a much greater chance to speak for your State, and to talk about the priorities of your State.

Right now my dear friend, Senator FEINSTEIN, is recuperating from a terrible fall and a terrible injury to her leg. I want to say to Senator FEINSTEIN—if you are watching, because I know you are in the hospital—we are thinking of you and we wish you well. I will do everything I can to speak for both of us when it comes to the issues that face our State.

But, in particular because of her injury, I think at the moment I am on that list. The Senator could add us on that list of the 23 "have nots," although we are praying that Senator FEINSTEIN will be back next week in time to be there. But even if she is back, the fact is, when that private session is called to look at this big omnibus bill—the Senator from West Virginia has described it—very few will be in that room. I compliment the administration for insisting that the Democratic leadership be in that room.

I had the honor to serve in the House for 10 years of my life. It was a great experience for me. I know many others, including the Senator from West Virginia, had that privilege. But I ran for the Senate in a very risky political move—no one thought I would ever make it here—because I wanted the chance to do more. I wanted the chance to operate under the Senate rules and to offer any amendments that I wanted to at any time.

Now I find with this particular leadership that I am precluded from doing that. I am precluded from fighting for my State. When I hear that bills were going straight to the conference and bypassing the Senate and the ability of the Senator from Iowa to offer an amendment—even though he serves on that committee, there is still time even when you are on the committee. You wait until you get to the floor to offer the amendment. We all know that is the way it goes because sometimes you can't win in the committee but you have a chance to make your case on the floor with unlimited debate and an opportunity to show your charts and make your point.

I find myself here in a circumstance where I, in behalf of the people of California, basically have no say on these bills.

As Senator BYRD rightly points out, I think anyone in this Senate Chamber who says they know what is in a huge omnibus package with 3,000 pages, not to mention report language and colloquy, is simply dreaming because we know there is just so much we are capable of. When you do one appropriations bill at a time, you can concentrate on that and read that bill. You can be briefed on that bill. If you

want to offer an amendment, you can do so. You can make your case for your State.

There is one issue on which the Senator from West Virginia and I do not agree. I respect his view so much. But I come on a different side. I think it is so important that we should be allowed to raise other important issues that we believe this Senate ought to vote on, even if it voted on it before. I say to my friend that some of these issues are so important. Now that we are in the middle of a Presidential election, they are being raised by both Governor Bush and Vice President GORE, and we ought to have another chance to vote on them.

Mr. HARKIN. Mr. President, if I might ask the Senator to yield on that point.

Mrs. BOXER. I would be happy to yield.

Mr. HARKIN. I agree with the Senator. I want to say a few more things on my own time about Senator BYRD's presentation this morning, but I also want to respond to the point that my friend from California is making about being able to offer amendments to the appropriations bills that come up.

I ask the Senator from California: I do not know if we agree on this, but I think if we had more of an opportunity to act as a Senate, to bring legislation out and to be able to consider bills that we might be interested in, that we wouldn't have to do them on appropriations bills. But because we are prevented from doing so, many times it is only the appropriations bills where we can offer them.

I ask the Senator from California if she would maybe—I see her nodding her head—agree with that decision; if we had that opportunity to act as a Senate and to bring authorizing bills out here to be able to offer those amendments, then we wouldn't have to do that on appropriations bills.

Mrs. BOXER. I agree with my friend. I sit on some authorizing committees, such as the Environment and Public Works Committee. There are so many good bills that we could bring forward, but the leadership does not want to do that. Frankly, I think it is because they would rather not run this place like the Senate. They want to run it like the House with strict controls where the Rules Committee decides what can happen.

Frankly, I have to think that there are some amendments on which they don't want to vote. I think we are then forced in the circumstance that my friend from West Virginia—my hero, if I might say, in this Senate—believes is inappropriate. But we are in a circumstance where we are committed, for example, to vote on a prescription drug benefit for Medicare. We are so committed to making sure that class sizes could be reduced by putting 100,000 new teachers in, and we don't

get the education authorizing bill. We only get the appropriations bill.

It forces us—I agree with my friend—to be in the situation that is not good for the Senate. As my friend said, it is the “Dark Ages of the Senate.” Those are powerful words. This is a man who thinks about that. When he says we are in the “Dark Ages,” I think we have to listen. We are in the Dark Ages because we don’t want to debate authorizing bills. We are forced to try to offer amendments on appropriations bills, which delays the situation, which makes leadership say they are not going to bring the bill forward, and which makes them send them straight to conference to avoid the chance for amendments. The vicious circle continues.

I think I am not being a Senator. We never know how long we are going to be in this Chamber. In many ways, it is up to our electorate. In many ways, it is up to God to give us good health to be here and do this. It is up to our families to see how long they can take it. So we want to have a chance to legislate.

Mr. BYRD. Mr. President, if the distinguished Senator from California will yield.

Mrs. BOXER. I yield to my friend.

Mr. BYRD. I want to clarify one thing.

The distinguished Senator from California earlier, I think, indicated that she and I were in disagreement on this. We are not. In the Senate, there is no rule of germaneness except when cloture is invoked and except when rule XVI is invoked. But a rule XVI invocation can be waived only by a majority vote—not a two-thirds vote but by a majority. We have done that many times.

When a Senator has raised the question of germaneness, I have from time to time voted with that question to make that germane. She and I really are not in disagreement. She has well stated, and so has the distinguished Senator from Iowa, the reasons why so many Senators are forced to offer legislative amendments on appropriations bills. It is because the legislative measures are not brought up in the Senate. So they have to resort to the only vehicle that is in front of them, that being an appropriations bill.

Look at this calendar. This calendar is filled with bills, many of them which have never gone to the committee. Many of them have been put directly on the calendar through rule XIV, and they have never been before a committee. They went before a committee in the House, come from the House, and are put directly on the Senate calendar, or bills are offered by Senators, brought up, and through rule XIV are placed on the calendar.

I counted the number of items on this calendar the other day that have been placed directly on the calendar

for one reason or the other, one being rule XIV. I counted the number. I don’t remember what it was. There are quite a wide number of amendments that are on the calendar that have never seen or experienced any debate in a Senate committee. We have 71 pages making up this calendar. Senators who want to offer amendments have to understand, there is nothing but appropriations bills to which to offer amendments.

Mrs. BOXER. I am absolutely delighted we are on the same side on this point. The frustration level of Senators, as my friend Senator HARKIN pointed out in his very to-the-point-question, is that we have no other option but to turn to these priorities that our people are asking Members to take care of, and try to offer these amendments. Then we have a majority that doesn’t want them.

I yield to my friend.

Mr. HARKIN. I thank the Senator for yielding.

I want to point out to the Senator from West Virginia, regarding the Elementary and Secondary Education Act reauthorization, this is the first time since it was enacted in 1965 we have not reauthorized it. Why? There is no reason we cannot debate the Elementary and Secondary Education Act before we adjourn.

I am certain reasonable minds on both sides would agree to time limits. No one wants to filibuster the bill. Offer the amendments. But the way things are today, if someone has ideas on what we want to do on education in this country, they are precluded from doing so. It is still stuck on the calendar, for the first time since 1965. S. 2, the No. 2 bill of this Congress, and it is still on the calendar. We haven’t had a chance to act.

I say to my friend from California, the Senator from West Virginia referred to returning back to the Dark Ages. I was thinking about that when the Senator was speaking. Someone remarked to me that: All this talk about rules and procedure is gobbledygook. Who cares? That is inside ball game stuff around here, and it doesn’t really matter on the outside.

I know it sounds like inside ball game stuff when we talk about rules and procedures, rule XVI and things such as this. The Senator mentioned the Dark Ages; I got to thinking about the Dark Ages. That is an appropriate allegory because the reason they were the Dark Ages is that we didn’t have rules, we didn’t have laws, it was uncivilized. In order for us to be civilized, we said there are certain rules by which we should live.

We have these rules in the Senate so that we don’t live in the Dark Ages. They have a lot to do with people’s lives outside of the beltway of this city. I think the Senator’s mentioning of the Dark Ages is very appropriate. That is what we are returning to. We

are returning to a rule-less kind of Senate where whoever is in charge calls the shots. That is what the Dark Ages was about: Whoever had the power ran everything. It was a lawless society. Through the years we developed our rules.

There is a reason the Senate is the way it is. Read the Senator’s “History of the Senate.” There is a reason the Founding Fathers set up the Senate the way it is. It is to allow some of the smaller States and others to have their say and to have their equal representation so they aren’t bound up by the rules of the House of Representatives.

Mr. BYRD. Would the distinguished Senator from California yield me time to respond to the distinguished Senator from Iowa?

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

Mr. BYRD. I yield an additional 15 minutes overall to the Senator from California.

Mr. President, the Senator from Iowa said something here which is a truism—among other things—that there are many who look upon the rules and the precedence of the Senate as gobbledygook, as inside baseball.

Now I daresay those same narrow-minded, uninformed people, whoever they are, would say the very same about this Constitution of the United States or this Declaration of Independence, both of which are in this little book which I hold in my hand. They would say the same thing about the Constitution of the United States, and those rules of the Senate are there by virtue of this Constitution. I urge them to read the Constitution again.

I also urge them to read what Thomas Jefferson said, what Vice President Adlai Stevenson said, what Lyndon Johnson said, and what other great leaders who are now in the past said about the right to amend and the right to debate.

I will say what Adlai Stevenson said: They know not what they do.

I thank the Senator.

Mr. HARKIN. I thank the Senator from West Virginia.

Sometimes—I am not mentioning any names—sometimes we talk with colleagues about the rules. There is kind of a smirk: Oh, yes, we have business to do around here. And there is sort of—I detected it lately—there is sort of: “Well, the rules are the rules, but if we have the votes, we don’t care.”

That is a terrible attitude. As the Senator from West Virginia said, it really returns us to the Dark Ages when we were a lawless, ruleless society.

Mrs. BOXER. I ask my friend to stay on his feet because I want to continue this discussion.

When I was a child, I learned how a bill becomes a law. We always had that book in school, how a bill becomes a

law. A bill starts out; someone authors it on one side, the Senate; someone authors it in the House. If it is a money bill, it has to go through the House first. And then each House, the House and the Senate, will act on the bill. If there are differences, it will go to conference. Those differences are worked out. If they are worked out—either body will vote on them—it goes to the President; he says yea or nay. If he issues a veto, two-thirds to override; if he signs it, it is a law. We learned this.

I say to my friend, it almost seems to me that what is happening is unconstitutional. I do not have a law degree. But we don't see these bills coming through the Senate for Senators to comment on. Sometimes we get a bill through here and it is not controversial. We will agree to a 2-, 3-, 5-minute time agreement. But at least we have a chance to look at it. That is our job. If we don't look at it and it does some harm to our people, that is our fault.

But if bills never come here and if they are sent directly into a conference committee and bypass the Senate, this says something is very wrong, that we are not doing what we are supposed to do according to the Constitution. I honestly wonder whether there couldn't be some kind of lawsuit by some citizen out there who looks at this and says: The way the Senate is operating, I have no voice in this because my Senator is bypassed. As Senator BYRD shows in his chart, 23 States are not on appropriations. They don't even have a chance to utter a word in the committee.

I was wondering, not being a lawyer, as the Senator is a lawyer, whether there isn't some kind of lawsuit waiting to happen. This isn't the way a bill is to become a law.

I think this could be considered taxation without representation. For some of these cases, some colleagues could say to their people: I didn't know; I didn't have a chance; I could only vote no or aye at the end; I voted aye because there were so many good things in the omnibus bill; but there were 23 bad things, but I had to keep the Government going.

I think we are treading on some dangerous ground.

I am happy to yield if my friend has a comment.

Mr. BYRD. Is the Senator asking a question?

Mrs. BOXER. I would love to have my friend comment on this.

Mr. BYRD. I agree, in large measure, with everything the distinguished Senator is saying. I seriously doubt that a lawsuit—I seriously doubt if that would hold up. But anyhow, it is a good thought.

Mrs. BOXER. Yes. When I go home to meet my constituency, they, as taxpayers, will say to me: Senator, what did you think about page 1030 in that omnibus bill? Did you actually get a

chance to vote on it? I will say: In the big sense, I guess you could say I had to vote. It was all in one package. But I had no choice. I wanted to keep the Government going.

When I raised that issue, it was not for the technical response, but I am just suggesting to my friend that it is in many ways taxation without representation. In any event, if it does not rise to that level, it is close to that level.

I wonder if my friend from Iowa has a comment, or my friend from West Virginia.

Mr. HARKIN. I was trying to say—I will yield in just a second more—I think what is happening is that the foundation on which this Senate has been based is beginning to crumble. It is not all gone yet. But I was thinking, the Senate is like a foundation. If you pull one brick out, OK; it still holds. You pull another brick out—the foundation is still strong.

What is happening, I believe, and I say this in all candor, the majority side, for the last several years, has been pulling some bricks out of the foundation. They pulled one out and no one complained. They pulled another one out and nothing happened. What concerns me is that one feeds on another. So if we take back the majority, do we then say we will take out another brick? And then another brick? And then it bounces to the other side? Pretty soon the foundation crumbles and nobody can point to that first brick and when it was pulled out.

That is what I see, a kind of insidious pulling out of the bricks of the foundation of the Senate. Yet since things do happen, at the end of the year there is this big omnibus that is put together and people say: There you go, no big deal. But I predict pretty soon the foundation is going to start crumbling if we don't stop pulling out the bricks.

Mrs. BOXER. I agree with my friend. It is pretty distressing to see this happen to the Senate.

Senator BYRD said the other day that many of us in this Chamber don't know how the Senate is supposed to work because when we got here, those bricks had started to be pulled out of that foundation. I long for the days when I can tell my grandchildren or great grandchildren that I had a chance to serve in the greatest deliberative body of the land, and that even on a matter that perhaps only one or two Senators cared about, we had the unfettered right to express ourselves on behalf of the people we represent.

As I stand here, I represent, with Senator FEINSTEIN, almost 34 million people. Imagine that, 34 million people. They have so many concerns, whether it is the cost of prescription drugs, that I know my friend from Iowa just made a brilliant speech on yesterday—and I hope he will continue that today—whether it is just the normal appro-

priations process under which they are able to meet their needs, the highways, the public buildings, all the things they need to keep going; making sure we have the water and the power to keep this incredible State going. We would be the eighth largest nation in the world. We count on the Senate to be able to address our needs.

I am so grateful to the Senator from West Virginia for making this point because I think the people need to pay attention. As my friend from Iowa has said, it may sound as if it is about rules and things that do not impact them. But it impacts them mightily because when I am muzzled by virtue of the fact we don't get a chance to offer amendments—not that my voice is going to always carry the day, but at least their voice will be heard.

Mr. BYRD. Mr. President, will the distinguished Senator from California yield briefly?

Mrs. BOXER. I am happy to yield.

Mr. BYRD. On what the distinguished Senator is saying, the difference between a lynching and a fair trial is process.

Mr. President, I have to be away from the Senate for about an hour and a half. I have to meet with my wife of 63 years, so I must leave the floor.

I ask unanimous consent that no time be charged against my time, time that is under my control, unless that time is being used on the subject that is before the Senate. In other words, if no Senator is on the floor to speak on this subject, and he or she wishes to speak on some other subject, that he can get time but that it not be charged against the time on this matter.

There are several Senators who wish to speak on this. But for the moment, I am going to take the liberty of yielding control of time—oh, the minority whip is here; he will take care of that matter. He will be in control of time. I make that request.

The PRESIDING OFFICER. As a Member of the Senate from the State of Colorado, I must object until I fully understand the implications of that request and have had a chance to check with leadership.

Objection is heard.

Mr. BYRD. OK. That is a reasonable request.

I hope in the meantime, the distinguished Senator from Nevada, who is the distinguished minority whip, will be on the floor. I hope he will, and he will see to it that Senators will be recognized on time that was in the order for my control, if they are going to be recognized, and they not be recognized on that time unless they are speaking on this subject.

Mr. REID. If the Senator will yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I spoke to the Senator from West Virginia yesterday. We have

worked today to fill the time, talking about some of the things that would work better in this body about which the Senator has spoken already. Senator HARKIN is going to speak, and Senator BOXER. We have Senator KENNEDY coming here at noon. We have Senator MOYNIHAN coming at 12:30. Senator CONRAD is coming. We have a list of speakers and we will work very hard to fulfill the promise to the Senator from West Virginia.

The last thing I say to the Senator from West Virginia, we were here except we were working on the Interior conference.

Mrs. BOXER. Mr. President, do I have some time remaining on my time?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mrs. BOXER. What I would like to suggest to my assistant leader is, after I finish my 5 minutes, during which I would like to continue engaging in a little colloquy with my friend from Iowa, that he be recognized for 30 minutes. Is that acceptable to my friend?

Mr. REID. The problem is we have gotten a little out of whack here this morning. I appreciate the patience of my friend from Iowa.

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

Mrs. BOXER. Could I have 5 minutes then?

Mr. REID. What we will try to do is have Senator KENNEDY start a little later. He may be a little late anyway. Maybe you will not get your full half hour, but that will be known when the Senator from California gets finished. Then we go to Senator HARKIN, Senator KENNEDY, and Senator MOYNIHAN.

Mrs. BOXER. I ask unanimous consent, when I complete, Senator HARKIN have the floor up to 30 minutes, and if he has to be interrupted by Senator KENNEDY, he will end his remarks.

Mr. REID. I think what we will do is have the Senator recognized for 10 minutes and if he needs more time he can ask for it.

Mrs. BOXER. That will be my unanimous consent request.

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

Mrs. BOXER. In this remaining 5 minutes, I wanted to ask my friend from Iowa if he will stay on the floor because Senator KENNEDY, who is our leader on education issues, as we know, in terms of his position on ESEA, said it looks as though if we don't reauthorize the Elementary and Secondary Education Act when the funding expires, which is this year—which is this year—it will be the first time since the 1960s, since 1965, that this bill will not have been reauthorized.

What I want to ask my friend—I know he is going to take his time to talk about prescription drugs, and I am going to stay here for that. It seems to me, with both Presidential candidates out there talking about education, and

with huge differences in the two positions; where you have George Bush supporting a voucher system to pull money out of the public schools into the private schools, and you have AL GORE saying he wants to do twice as much for education; in terms of budget authority, where you have Vice President GORE supporting putting 100,000 new teachers in the classroom and George Bush opposing it; where you have our Vice President supporting school construction, and these are all initiatives that emanated from this side of the aisle with opposition on the other side. A fair debate. Whether or not we want to continue in the tradition of President Eisenhower, a Republican President who said, yes, the Federal Government should step in when there is a void, and that is why he signed the National Defense Education Act saying way back in the fifties—the happy days when I was growing up—that if you do not have an educated workforce, you can have the most powerful military in the world and it will not matter. AL GORE wants to follow in that tradition, but we have the opposition saying the Federal Government should not have anything to do with it, block grant it, and who knows what will happen.

Does my friend agree with me—I know he agrees with me; I would like him to talk about this—why is it so crucial we bring this education bill to the floor—and do it soon—and we allow this Senate to work its will on the issues that all of America cares about, whatever side one is on. Does he not agree this is a stunning departure from tradition and history since 1965? We sit here and there is nobody on the other side. We have the time to talk when we could be acting on the ESEA.

Mr. HARKIN. I thank the Senator for pointing this out. It is true, it is the first time since 1965 we have not reauthorized the Elementary and Secondary Education Act. What the Federal Government has done since the adoption of that bill, since 1965, as the Senator knows, is we have filled in the gaps.

Obviously, education still remains a local and State obligation, as we want it to be, but we recognized there were certain gaps. For example, disadvantaged students: We came up with the title I program to provide needed funds to States to help educate disadvantaged children in disadvantaged areas. I do not think there is a Governor anywhere in this country who does not like title I, or educators. Since we set up title I, it has done great things for our kids. That is at stake here. Without reauthorization, we cannot give guidance and funds to title I.

The Individuals with Disabilities Education Act: for kids with disabilities, is another example of what will slip through the cracks in terms of bringing us into the new century and

addressing the new problems in education.

Teacher training is a very vital component of the Elementary and Secondary Education Act to provide guidance and, yes, support for teacher training, for example, in new technologies, such as closing the digital divide. This is all part of that. This will all fall through the cracks.

Because of the intransigence of the Republican majority in the Senate—we will fund it; I am sure we will get the appropriations bill through; we will fund it—we will not address the new problems in education which we need to address. We will still be answering the problems of 8 years ago and 10 years ago rather than addressing new problems.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Iowa now controls the time.

Mr. HARKIN. Mr. President, I will be glad to continue the colloquy with the Senator. I yield to the Senator from California.

Mrs. BOXER. I will be brief. My friend makes such an important point. In this fast moving, global economy we are in, everyone admits education is the key. If all we can do is fund old programs—by the way, they are good; we are not going to walk away from them—but if we cannot address the new challenges—and my friend mentions specifically the digital divide. Senator MIKULSKI and I have been working on a very good bill. We let thousands and thousands of foreign workers in here when we still have a 4-percent unemployment rate—by the way, the best in generations, but we do have people who need jobs—we do not have a shortage of workers, as Senator MIKULSKI says, we have a shortage of skills.

My friend is so right to point out that when we do not authorize bills and we cannot look at the new solutions and the new challenges, we might as well be living in the last century.

I thank my friend for yielding me additional time. I look forward to his presentation on Medicare. I will sit here and listen to his wisdom on that and maybe he can answer a question or two as he goes about his presentation. I thank my friend.

Mr. HARKIN. Mr. President, I respond in kind by thanking the Senator from California for pointing out again what is at stake because we are not allowed to offer our amendments. The Senator from California has done a great service not only to the Senate, but to the country, in pointing out why so many people are disenfranchised in this country because they do not have a voice with which to speak here if we are blocked from offering our amendments. I thank the Senator from California for pointing that out.

I want to talk about another issue we are, again, blocked from addressing in

the Senate, and that is the issue of prescription drugs for the elderly. Of all the issues out there that cry out for solutions and intervention, this has to be No. 1 on our plate. Anyone who has gone to their State and talked with the elderly who are on Social Security, who are on Medicare, has heard heart-rending story after heart-rending story about how much our seniors are paying out of pocket for prescription drugs.

Vice President GORE was in my home State of Iowa yesterday. There is a story that was running on the news programs and in the newspapers this morning about a 79-year-old woman. I do not know her. I have never met her, to the best of my knowledge. Winifred Skinner, 79 years old, from, I believe, the small town of Altoona—but I cannot be certain about that—who showed up at a meeting with Vice President GORE and talked about how she goes along the streets and the roadways picking up aluminum cans because she can get payment for them. I think it is a nickel a can, if I am not mistaken. She collects these to make some money to help pay for her prescription drugs.

This is a real person. It is not a phony person. This is a real person with real problems, and she needs some help. We have tried time and again to bring this legislation to the Senate floor to openly debate it. If other people have other ideas, let's debate them, have the votes, and let's see what the Senate's position will be, but we are precluded from doing so.

Now we have an ad campaign put on by the Republican candidate for President, Gov. George Bush. This TV ad campaign is being waged across the country to deceive and frighten seniors about the Medicare prescription drug benefit proposed by Senate Democrats and Vice President AL GORE. I thought I would take a few minutes today, as I will do every day we are in session, to set the record straight.

First, we have to examine Bush's "Immediate Helping Hand." That is what he calls it, "Immediate Helping Hand." Quite simply, it is not immediate and, secondly, it does not help.

Is it immediate? No. The Bush proposal for prescription drugs for the elderly requires all 50 States to pass some enabling or modifying legislation. Only 16 States right now have any drug benefit for seniors. Many State legislatures do not meet but every 2 years, so we might have a 2-year lapse or 3-year or 4-year lapse in the Bush proposal.

How do we know this? Our most recent experience is with the CHIP program, the State Children's Health Insurance Program. We passed it in 1997. It took Governor Bush's home state of Texas over 2 years to implement the CHIP program.

In addition, the States have said they do not want this block grant program.

This is what the National Governors' Association said, Republicans and Democrats, by the way:

If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states.

But that is exactly what the Bush 4-year program does.

Again, keep in mind, the Bush proposal on prescription drugs is a two-phased program. In the first 4 years, he delegates it to the States. As I pointed out, States do not even want to do it.

Secondly, many legislatures do not meet for 2 years.

Thirdly, talk about a "helping hand," who gets helped under the Bush program? If your income is more than \$14,600 a year, you are out—\$14,600 a year, and you are out.

What does that mean? It means many of the seniors will not qualify. The Bush plan will only cover 625,000 seniors, less than 5 percent of those who need help.

Again, under the Vice President's proposal—and what we are supporting—all you need is a Medicare card. If you have a Medicare card, you can voluntarily sign up for a drug benefit, your doctor prescribes the drugs. You go to the pharmacy and you get your drugs. That is the end of it. That is all you have to show.

If you are under the Bush program, you are going to have to take your income tax return down, plus probably other paperwork to show your assets, to show that you have income of less than \$14,600.

Mrs. BOXER. Would my friend yield on this point for a question?

Mr. HARKIN. Yes.

Mrs. BOXER. Because I think this is a stunning point that you have made and are amplifying on today. Out of the 34 million senior citizens in this country who are covered under Medicare—not to mention the 5 million disabled; let's throw that out for a moment because they would qualify for the Gore plan; let's just focus on the 34 million—how many seniors are you saying, if everything went right in their States and they were able to get the enabling legislation—they went to the welfare office, they got the stamp of approval—if it all went right, how many seniors are you estimating would be covered under the Bush plan?

Mr. HARKIN. According to a recent study, if the experience of state pharmacy assistance programs is any guide, of the 34 million, about 625,000—less than 5 percent of those eligible—would sign up for a low-income drug plan.

Mrs. BOXER. Less than 700,000 people.

Mr. HARKIN. That is right.

Mrs. BOXER. Under the first 4 years of the Bush plan, out of the 34 million seniors, this new benefit would go to less than 700,000 people. And those people have to go through the welfare of-

fices. If there is no other reason to oppose it, there it is. It is a sham. It does not do much for hardly anybody.

Mr. HARKIN. That is true.

I thank the Senator from California for amplifying on that. Because Governor Bush's program is not Medicare; it is welfare. What seniors want is they want Medicare, they do not want welfare.

Look at the States. To sign up for Medicare, seniors fill out long, complex applications in 26 States. They must meet an extensive asset and income test in 41 States. And they have to sign up in the welfare office in 34 States. Maybe that is why only 55 percent of eligible seniors sign up for Medicaid compared to 98 percent who sign up for Medicare.

That is what the Bush proposal would do: Send seniors to the local welfare office. Take your income tax returns down, take down other paperwork, fill it out, show them what your income and assets are, and then maybe—maybe—you will qualify.

As I have said repeatedly, the seniors of this country want Medicare, they do not want welfare. The Bush plan would put them on welfare. Then, after the 4 years—the first 4 years of the Bush block grant—then what does his proposal do? His proposal turns it over to the HMOs. So it gets even worse.

The long-term plan under Governor Bush is tied to privatizing Medicare, a move that would raise premiums and force seniors to join HMOs. Under the Bush drug plan, there would be radical changes in Medicare—radical changes. You would not recognize it today.

Premiums for regular Medicare would increase 25 to 47 percent in the first year alone. Why is that? Why do we say that? Because once you turn it over to the HMOs and the insurance companies—which is what the Bush plan does—after the first 4 years, it shifts to universal coverage, but turns it over to the insurance companies.

Obviously, the insurance companies are going to do what we call cherry pick. They are going to pick the healthiest seniors and give them a really good deal to join their insurance program. Who does that leave in Medicare? The oldest and the sickest. And to cover the Medicare costs, under legislation we have that exists, their premiums will go up 25 to 47 percent in the first year alone. That is shocking.

But we have to understand that what the Bush proposal is for Medicare is the fulfillment of Newt Gingrich's dream to let Medicare "wither on the vine." Governor Bush supported that concept when Mr. Gingrich was Speaker of the House. Governor Bush's proposal fulfills Newt Gingrich's dream because by turning it over to the insurance companies, by privatizing Medicare, it would "wither on the vine."

Governor Bush would leave seniors who need drug coverage at the mercy

of HMOs. Listen. Under the Bush proposal, who would decide what the premiums are going to be? HMOs. Who would decide copayments? HMOs. Who would decide any deductibles? HMOs. Who would even decide the drugs that you can get? It would be the HMOs—not your doctor, not your pharmacist.

Lastly, as someone who represents a rural State and who still lives in a town of 150 people, the Bush plan would leave rural Americans out in the cold. Thirty percent of our seniors live in areas with no HMOs.

In Iowa, we have no Medicare HMOs. Listen to this. Only eight Iowa seniors, who happen to live near Sioux Falls, SD, belong to a Medicare HMO with a prescription drug benefit. Yet in Iowa, we have the highest proportion of the elderly over the age of 80 anywhere in the Nation. And only eight—count them—elderly, who happen to live near Sioux Falls, SD, belong to a Medicare HMO that has a prescription drug benefit.

Also, HMOs are dropping like flies out of rural areas. Almost a million Medicare beneficiaries lost their HMO coverage this year alone, mostly in rural areas.

So, again, our seniors want Medicare. They do not want welfare. The Bush plan turns it over to the States for the first 4 years. Take your income tax returns down, show how poor you are, maybe you will get help.

The Bush plan for prescription drugs says, if you are rich, you are fine. If you are real poor, you are OK. But if you are in the middle class, you are going to pay for it both ways.

Lastly, we have to talk about priorities. The Bush priority is \$1.6 trillion in tax breaks, almost 50 percent of which goes to the top 1 percent of the wealthiest people in this country. For prescription drugs for the elderly, he is proposing \$158 billion over the next 10 years. There you go. Those are the priorities right there.

So every day we are in session, I will take the floor to point out the fallacies in Governor Bush's proposal for prescription drugs for the elderly, how it will put elderly first on the welfare rolls—they will have to be eligible for welfare—and then take their income tax returns down; and how, secondly, it will turn it over to the private insurance companies, and it will destroy Medicare as we know it.

Mrs. BOXER. Will my friend yield?

Mr. HARKIN. I will say one more time, what the seniors of this country want is they want Medicare; they do not want welfare.

Mrs. BOXER. Will my friend yield for a question?

I think the chart that you have behind you is crucial for people to look at.

The PRESIDING OFFICER. The Senator from Iowa has used 15 minutes.

Mr. HARKIN. May I have 5 more minutes?

Mr. REID. I say to my friend from Iowa, of course you can have 5 more minutes. We have Senator LANDRIEU here to speak. And I would say, before yielding that time to my friend from Iowa, you have painted the picture so well that Senator BYRD started today. Because if we had the proper process around here, we would have been debating these issues a long time ago.

Mr. HARKIN. Exactly.

Mr. REID. So I yield 5 minutes to the Senator from Iowa. Following that, I yield 5 minutes to the Senator from Louisiana, Ms. LANDRIEU.

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

Mr. HARKIN. I yield to the Senator from California.

Mrs. BOXER. I thank my friends, and I thank the Senator from Louisiana for her patience. This is an important point that she made to me yesterday and to a number of my colleagues.

I think the chart that is behind the Senator from Iowa tells a story all America has to see. This tax cut is so enormous, with such enormous tax breaks for those at the top—for example, those over \$350,000 will get back \$50,000 a year compared to those at \$30,000 who will get back a few hundred dollars—that it is impossible for Governor Bush to do anything real for the American people that the American people want.

I asked myself, why would it be that his prescription drug policy would only cover 5 percent of the seniors who need it. The easy answer: Even if he wanted to do more—and let's say he does; I will give him that break—he can't do more, because when you look at what he wants to do for the military and what he says he wants to do for education, and it goes on, it does not add up. So what happens to Governor Bush is that he has to take tiny little baby steps for things he thinks are important because he doesn't have the resources because he is committed to this enormous tax break, instead of doing what AL GORE has done, which is to say: Yes, we will give tax breaks, but we will give them to the middle class. We will do it for people who need to send their kids to college by helping them with their tuition. We will do it for people who need health care by making that deductible. We will do it for the people who are working hard every day, struggling and fighting to make ends meet.

The last point I will make to my friend is a comment by the president of the Health Insurance Association of America, who said:

Private drug-insurance policies are doomed from the start.

That is the Bush plan.

The idea sounds good but it cannot succeed in the real world. I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

This isn't TOM HARKIN talking or HARRY REID talking or MARY LANDRIEU

or BARBARA BOXER or ZELL MILLER. This is the head of the Insurance Association of America.

I say to my friend, in closing the extra time he has, the chart behind him tells the story, and this quote tells the story. It is truly, unfortunately, a sham prescription drug plan.

Mr. HARKIN. I thank the Senator from California. She is absolutely right. Forty-three percent of these tax breaks go to the top 1 percent, who have an average income of over \$915,000 a year. This is where Governor Bush's tax breaks go. Yet Winifred Skinner—age 69, in my home State of Iowa—has to go around the streets and the roads and pick up aluminum cans so she can pay for her prescription drugs. I think that says it all.

I thank the Senator from California. I thank the Senator for yielding me the time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I join my colleague from California and my colleague from Iowa in their remarks and thank our colleague from Iowa for spending the time to point out the important differences in the approaches as we get closer to this election. It is something the American people in our democracy will ultimately decide. I thank him.

I also point out to my colleague from California that not only would we not be able to afford the right kind of prescription drug plan for America because of the huge tax cut proposal that the Governor of Texas has proposed, we would not be able to give the military the added investments that it may or may not need. We may be debating that, but the generals appeared yesterday to describe how they needed some increase in investments in the military in certain ways and we need to modernize and streamline and save money where we can. But there are clearly some areas where we will not even be able to do that, if the proposed tax cut plan is in effect. We won't be able to provide the kind of Medicare coverage we need, and we will not be able to strengthen our military in the ways that we perhaps need to as we restructure and reshape.

Mr. President, our senior Senator from West Virginia has made a very important point. He has urged all of us in this Chamber to pay attention to a very important concept in our Constitution that is in the process of being violated. This affects Louisiana and States such as ours. Twenty-three are listed on this chart, as the Senator pointed out.

No one brings a deeper understanding of the constitutional prerogatives and responsibilities of this body than does Senator BYRD, our esteemed colleague from West Virginia. I also know that he is intimately familiar with the writings of John Jay in one of the most

cherished pieces of prose regarding our democracy, the Federalist Papers. In Federalist No. 64, he writes:

As all the States are equally represented in the Senate, and by men the most able and most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance.

Although I agree with this, I don't know if our Founding Fathers ever thought there would be a day where there were women in the Senate, but obviously this quote would apply so that men and women in the Senate would have equal opportunity to represent their States.

When we follow these rules, as we can see, our Founding Fathers intended this body to represent the great States of our Union equally. Sadly, after years of hearing of the importance of federalism, the Senate is proceeding down a course that makes a mockery of this ideal.

I represent one of the 20 States without a member on the Appropriations Committee in either Chamber. Currently there is no one from Louisiana on the Appropriations Committee in the House or in the Senate. The only protection a State such as mine—one of the earliest additions to the Union, I might add—has is the power and process of this Chamber. That power and that process is being jeopardized.

When the Senate leadership attempts to short-circuit that process, they trample on the rights of States and undermine our very constitutional structure.

This Senator will be asked to vote, I am certain, on an enormous bill that I could not possibly have read, that has never passed out of this body, and which I will have no opportunity to amend.

Let me say it again. The people in Louisiana, and these 23 States on this chart, will have no opportunity to amend this final bill that is going to be before us shortly. Our rules were written to give life to the intentions of our Founding Fathers that we have the opportunity to deliberate and amend any measure offered in this body. When we follow those rules, all States are truly equal—the most populous and prosperous, as well as the smallest and most in need. That is what our Constitution contemplated, but that is not what we are living out today.

A measure very important to my State, as many of you know, is the Conservation and Reinvestment Act. I am concerned by virtue of the process we are following that this critical legislation, despite the support of 63 Senators, will not be debated on the Senate floor. That potential reality is unfair to Louisiana; it is unjust to the 4.5 million people who live in my State. It is certainly not what John Jay, one of our founders, had in mind 200 years ago.

I think it is important to warn my colleagues now that this Senator intends to defend her State's place in this body. I thank my friend from West Virginia. I salute him for his ongoing leadership in this cause, and I look forward to helping him return this body to its appropriate place in the constitutional order. So whether we are debating Medicare or our military or the environment and the Conservation and Reinvestment Act, I hope that the people of my State can truly be represented in that process. That is why they elected me and I plan to defend that right.

Mr. REID. Mr. President, Senator BYRD has asked that I allocate the time that is remaining under the original time given him under the unanimous consent agreement.

The Democratic leader will be out in a few minutes to take half an hour. When he completes his statement, Senator KENNEDY will follow for half an hour. When he completes his statement at about 1:30, Senator CONRAD will be here to speak for half an hour. Following that, Senator DORGAN will be here for half an hour. Following that, Senator JOHNSON will be here to speak for 10 minutes. Senator DURBIN will come at approximately 2:40 to speak for about a half hour. Senator KOHL will speak around 3 or 3:10. At that time, most of the time will be gone. Senator BYRD will have the remaining time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Democratic Leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the Senator from California and the Senator from Iowa for their extraordinary colloquy this afternoon on prescription drugs. There is so much confusion, unfortunately, on the issue, largely generated intentionally by the other side, hoping to confuse people, obfuscate the question, and confuse the issue. The Senators from California and Iowa have, with great clarity, redefined it and redescribed it. I hope my colleagues, if they did not have the chance to hear them, will read it in the RECORD tomorrow. It was really an extraordinary contribution. I am grateful to them.

Also, I am grateful to the distinguished senior Senator from West Virginia for allocating this time. I think it is very important that we have an opportunity to talk about how it is that we got here. I want to devote my comments to the question of how we got here, and I will talk about two things.

First, I want to talk about how we got here in the larger context of Senate rules and Senate procedure and the practice of the majority under the rules and Senate procedure. And then I want to talk a little bit about the schedule itself and how it is we got here, with only two days remaining in the fiscal year, and so much work still incomplete.

I think it is very important for us to understand that, procedurally, we have seen the disintegration of this institution in so many ways. I have come to the floor on other occasions to talk about this disintegration. I think this is important for newer Senators to understand. I see the extraordinarily able new Member from Georgia, a Senator who has just joined us, Mr. MILLER. I worry about the Senator "Millers" and about the Senator "Fitzgeralds," our current Presiding Officer. I worry about those who may not have understood what the Senate institution looked like as an institution years ago.

The controversy that we are facing is not about procedural niceties. The right to debate and the right to amend are fundamental rights to every Senator as he or she joins us in this Chamber. Without those features, those abilities, we diminish substantially the nature of the office of Senator, the institution of the Senate, and indeed the reason why Senators come here in the first place.

Obviously, we are here to debate the great issues of the day. But how does one do it if we are relegated to press conferences or other forums that force us to talk about those matters off the floor? This Chamber has been called the most deliberative body in the world. Yet I worry about how little we have actually deliberated this year. And because we have not deliberated, the Senate as an institution has suffered.

Unfortunately, over the last few years, I believe the Senate has changed dramatically. We have been denied the opportunity to offer amendments, as we are right now on the pending legislation, the so-called H-1B bill. In the entire 106th Congress, we have had only a handful of opportunities where Senators were given their prerogative, given their fundamental right as a Senator, to do what they came here to do: to represent their constituents through active participant in the legislative process here on the floor of the United States Senate.

There has been an extraordinary abuse of cloture. Over one-fourth of all the cloture votes in history—over 25 percent—have been cast since 1995.

Twenty-five percent of all the cloture votes in history have been cast in the last four years. That is one figure I hope people will remember.

The other one which I think is critical is that we have had more cloture votes in 1999 than any other year in

history. We broke a record there as well.

Under the majority leader's approach, we have also had the most first-day cloture filings ever. We have never had this many cloture filings on the first day.

This is a motion to invoke cloture. This is what it says. They are all the same. It is a stock statement.

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment—in this case the marriage tax penalty bill.

The key phrase is the one we have outlined in yellow: "To bring to a close debate."

I ask anybody who is even a casual observer of debate: How can you close debate before it has even started? But that is what we are doing. A bill is filed. Amendments are filed to the bill in order to close the parliamentary tree. That denies us the opportunity to offer amendments. Then cloture is filed so we can bring to a closure debate that hasn't even begun.

We have done that more in 1999—of course we don't know about 2000 yet—than in any other year in our history. Of all the cloture votes together, over all of these years, 25 percent of them were in just the last 4.

Under previous leaders, we filed cloture, of course. There were some great debates about many issues in the past that went on for days and weeks and even months. People would be here 24 hours a day. The debates would go on, and a majority leader would be compelled to file cloture to bring the debate to a close. Why? Because they had been debating it. That is what they were supposed to do. That is why cloture is supposed to be filed. Yet now we find ourselves voting on cloture before we have had even the first hour or the first 5 minutes of debate.

We are also rewriting the rules on amendments themselves. Recently, we outlawed nongermane sense-of-the-Senate amendments to appropriations bills. We can't do that anymore.

The number of amendments have also been grossly restricted. I have never seen, as I have this year, the overly restrictive way with which we have approached virtually every single bill.

Take the Elementary and Secondary Education Act, the bill we took up earlier this year. An average of 39 amendments have been offered to ESEA reauthorization bill over the last 25 years—39 amendments. Yet this year, only four Democratic amendments to the ESEA bill were permitted before the bill was pulled. That's right: historically, there were an average of 39 amendments to ESEA bills. This year, Democrats offered four amendments, and the bill was gone. We are told we don't have time to complete the bill. We are told the Democrats shouldn't

even think about offering all of these amendments. We are told that bills should be passed with no amendments at all, or if we must offer amendments, they must meet the strict definition of "relevant" used by the parliamentarian.

The interesting thing is, nonrelevant amendments have been considered OK for the Republican Party in the past. I have a chart that shows some of the examples of non-relevant amendments offered when the Republicans were in the minority, and even in some cases when they were in the majority.

We had a juvenile justice bill that came up in 1999. The majority leader saw fit to offer a "prayer at school memorial services" amendment to a juvenile justice bill. That was OK.

We had a Commerce-Justice appropriations bill 2 years ago. It was OK to offer a sense-of-the-Senate resolution on Social Security at that time.

We had a supplemental appropriations bill. This was when the Republicans were in the minority, and the Senator from Delaware, now chairman of the Finance Committee, Senator ROTH, certainly didn't see anything wrong with offering a tax cut amendment to that bill. Evidently, that was OK, too.

Yet now Republicans are saying: Democrats don't have a right to offer nonrelevant amendments, nongermane amendments. We can, but you can't.

I don't understand that logic. I don't understand how in 1993 when they were in the minority the senior Senator from North Carolina saw fit to offer a patent for the Daughters of the Confederacy amendment to the community service bill.

I don't see how we could have a Lithuanian independence amendment to the Clean Air Act. I want clean air in Lithuania, but I have to tell you this had nothing to do with clean air in Lithuania. This wasn't relevant. This wasn't germane.

There is a double standard here. I hope people understand our frustration as they watch the action and hear the words.

We have also trivialized Senate-House conferences over the last several years. The scope of the conference rule was repealed. Now conference reports can include anything and everything—even measures that were never included in either House.

That is all part of what got us to the problem we are in now with appropriations. All of this, I might say, goes back to the concern the senior Senator from West Virginia shared as he talked about the procedures and the breakdown of the institution. When we repeal the scope of conference rule that said things had to be in either the House or Senate bill before they could be considered in conference, when we repealed that, we opened up, as our Senator from New Mexico likes to call

it, a "box of Pandoras"—a real box of Pandoras.

We now have sham conferences. It is almost like a huge U-Haul truck is pulled right up to the front door. We just lob everything in there and drive it on down to the White House. Nobody knows what is in that big box of Pandoras. It is put into that truck, hauled down to the White House, the President signs it, and it becomes law.

It is getting worse and worse. Now we find our Republican colleagues want to take what happened in a subcommittee, where maybe a handful of people know anything about it, bypass this Chamber entirely, go into a conference, load up that truck, and take it down to the White House. That is why we said no last week. That is why we said you can't marry these bills that have had no consideration on the Senate floor—sham conferences.

I know why we are doing this. In fact, our colleagues on the other side have been very candid about it, both privately and publicly. They have said: We don't want to have to vote on these tough issues. We have a lot of vulnerable incumbents. We are not going to allow these amendments if they are going to be problematic.

I am sorry if someone is inconvenienced. We have had to do that for years. Casting votes is what being a Senator is all about. If you oppose a measure, then table an amendment, offer a second degree, offer an alternative.

There has to be a way of doing it other than gagging this institution. Forcing cloture votes against imagined filibusters in order to cast blame just doesn't work.

There are those on the other side who have said we shouldn't have to spend more than a couple of days on any one of these bills. We should be able to get these things done within 24 to 48 hours. Why should they take so long? My answer is because this is the Senate. I will get into days in just a minute. We have the days.

We have ways with which to ensure we can have a good debate. We can work Mondays and Fridays. We can work after 6. We could do a lot of things to ensure that the days are there. Some of the very finest pieces of legislation ever to pass the Congress took more than a couple of days. Bills sometimes take longer. They are complicated.

The majority keeps asking for cooperation. But I think what they truly mean is capitulation.

All Senators should be free to debate an amendment. We shouldn't have to face these artificial relevancy requirements. Important bills should have their time on the floor. We ought to have good, rigorous debates. We ought to be able to offer amendments. Let's agree to disagree and let's vote and move on. We did that in 1994 with a

piece of legislation from which we still benefit today.

Every crime statistic is down in America today, every single one. Do you know why that is? That is in part because we passed the COPS Program, the community police program. That is because we have provided resources to police officers in ways they didn't have earlier in the decade. Another reason is that we passed an awfully good crime bill in 1994, the last year Democrats were in the majority.

Do you know how long it took? We spent 2 weeks on that crime bill. We had 92 amendments which were proposed, 86 amendments adopted, over 20 rollcall votes. That is the way the Senate is supposed to work—a good, rigorous debate, and ultimately a product that enjoyed, in this case, broad bipartisan support. Why? Because it was a good piece of legislation. Why? Because everybody had their say. Why? Because it was probably an improved product over what it was when it was first introduced.

That ought to be the model. I don't think there was a cloture motion filed in that entire debate. We didn't fill any trees. We didn't say, we have to get this done in 2 days. We didn't say, we don't have time. We said, we are going to do it and we are going to do it right. And we did it right. And 6 years later, we still benefit.

We are prepared to work with our colleagues on the other side. We only hope they share the deeply held view about commitment to the institution, about commitment to the rights of each Senator, about an understanding of the responsibility for the legacy of this institution for future Senators and for all of this country as we consider the fragile nature of democracy itself.

I said there were two items. The first was procedural; the second is schedule. The majority later said last year:

We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

They are sure acting as if they have it figured out. If they were motivated to be out, so their points went up, they have shown it by the schedule.

This is the schedule for the year. All those red days are days we are not in session. All the blue days are the days we are in session. Look at all those red days. Yet we are told: We don't have time. We don't have time to take up appropriations bills. We don't have time to take up amendments. We don't have time to take up a legislative agenda.

We don't have time? Maybe it is because there is a little more red than there ought to be. The number of days we are scheduled to be in session in the year 2000 is shown: 115. That is the number of days in session in the year 2000. Keep in mind, there are 365 days in the year, yet all we could find time for were 115 out of that 365. As it hap-

pens, this is the shortest session of the Senate in half a century—since 1956. In fact, this year's schedule is only two days longer than the infamous do-nothing Congress of 1948.

The number of days with no votes in the year 2000, out of that 115: 34. We will be in session for 115 days in session out of 365 days, but we have lopped off a third of those days. On 34 of the 115 days, we have had no votes at all.

But there is no time.

The number of days on Mondays with votes in the year is shown. Out of all the Mondays in this year, we have only had three where we have had votes—three Mondays.

On how many Fridays of this year 2000 did we have votes? Six. We did a little bit better on Fridays than Mondays. Three Mondays with votes; six Fridays with votes.

Mondays with votes in September? There it is: One.

No time for appropriations bills. No time for all of the issues Democrats wanted to take up. Yet on only 1 Monday in the month of September did we have votes.

On Fridays in September, we didn't do quite as well. I don't know how we explain no votes on Fridays in September when we have all this work, knowing we will bump up against the end of the fiscal year at the end of this month. Imagine not having votes on Mondays or Fridays, knowing we have 11 appropriations bills that are yet to be completed.

Appropriations bills completed to date? Only two. We are dealing here with numbers most people understand: 1's and 2's.

We have done a little calculating because now we are getting into more advanced arithmetic. I said we have been using 1's and 2's and 0's. We used our calculator to decide how long it would take at this rate to complete the work on the remaining 11 appropriations bills, and now we are into triple digits: 572 days to complete work on the 11 appropriations bills on this schedule.

Finally, there is one more calculation. I am sure people are trying to figure that out. If you take the 572 and project it out, I promise we will be finished by April 16 of the year 2002. That is when we finish our work on the appropriations bills using the schedule we have adopted in the year 2000: 4/16/02—April 16, 2002. So mark that in your calendars, folks. That is likely to be the year, the month, and the day that we finish our bills using the schedule we have employed this year.

Someone once said, 90 percent of success is just showing up. Maybe that is our problem. We aren't showing up. Maybe we ought to show up a little bit more. Maybe we ought to work on Mondays and Fridays. Maybe we ought to work a little bit longer after 6 o'clock. Ninety percent of success is just showing up. Maybe we can be a lit-

tle more successful. When we show up, maybe we ought to remember why we are here. Maybe we ought to remember the prerogatives of every Senator. Maybe we ought to call back the golden days when Senators debated profoundly on the issues of the day.

Open this drawer: Lyndon Baines Johnson sat at this desk, Mike Mansfield sat at this desk, Joe Robinson sat at this desk, ROBERT C. BYRD sat at this desk. George Mitchell sat at this desk. I don't know how I would explain to my predecessors what has happened to the Senate this year. That is why the same ROBERT C. BYRD came to the floor this morning. Listen to ROBERT C. BYRD. Listen to George Mitchell. Go back in the RECORD and listen to Lyndon Baines Johnson, listen to Joe Robinson, and remember what Mike Mansfield said.

Let's call back the glory of this institution. Let's remember why we are here, and we can then all be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I express my appreciation for the Democratic leader's excellent statement and comment.

I was listening particularly to the wrap-up and recalling a number of the majority leaders with whom I had the good opportunity to serve bringing into real relief how at that time we did have the engagement of the issues and the resolution of questions of public policy.

That was the time-honored tradition of this body. It hails back to the time of the Constitutional Convention and our Founding Fathers and what they believed we ought to be about.

I hope his words will be taken to heart by our colleagues as welcoming into these final days of this session.

We are now in the final days of this session. This afternoon, we will mark the end of the current fiscal year by passing a bill—a continuing resolution—that acknowledges that Congress was unable to complete its work. So now we're going to put government funding on auto-pilot while our Republican friends figure out what to do.

We started this year—the first of the new millennium—with great hope. We were going to pass new laws to meet the urgent needs of families across America—to improve health care and education, and provide jobs for working families. The question is, did American taxpayers get their money's worth?

So far in this first year of the new millennium, we have enacted: 27 laws naming new federal buildings; 7 laws granting awards to individuals; 3 technical corrections to existing laws; 4 laws establishing small foreign assistance projects; 4 commemoratives, and 2 laws establishing new commissions.

We found time in our busy schedules to pass a sense of Congress resolution calling for democracy in a Latin American country. We relocated people from

one South Pacific atoll to another. We encouraged the development of methane hydrate resources. We allowed the Interior Department to collect new fees for films made in our parks. We eliminated unfair practices in the boxing industry. We renamed the Washington Opera as the National Opera. We passed a new law providing assistance to neotropical migratory birds.

I have no doubt that each of these laws was necessary. But nowhere on the list did we pass the Elementary and Secondary Education Act to strengthen the nation's public schools. Nowhere on this list is the Patients' Bill of Rights. Nowhere do we find a Medicare prescription drug benefit for senior citizens. Nowhere is a long-overdue increase in the minimum wage. Nowhere does Congress strengthen our laws against hate crimes. Nowhere on the list are new gun laws to keep our schools and communities safe.

If ever a "Do-Nothing" label fit a Congress, it fits this "Do-Nothing" Republican Congress.

Our country as a whole is enjoying an unprecedented period of prosperity—the longest period of economic growth in our nation's history. But for millions of Americans, it is someone else's prosperity. Working 40 hours a week, 52 weeks a year, a person earning the minimum wage earns only \$10,700 a year—\$3,400 below the poverty line for a family of three.

Over the past three decades, the extraordinary benefits of our record prosperity have been flagrantly skewed in favor of the wealthiest members of society. We are pleased with the Census Bureau Report this week showing that the poverty rate dropped to its lowest level since 1979. Yet, poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million to almost 3 million by 1998, according to a June 2000 Conference Board report.

Today, the top one percent of households have more wealth than the entire bottom 95 percent combined.

Yet, despite this historic period of economic growth, minimum wage workers are not able to afford adequate housing. The National Low Income Housing Coalition recently found that the current minimum wage fails to provide the income necessary to afford a two bedroom apartment in any area of this country.

Often, workers are putting in longer hours on the job, and more family members are working. A study released by the Economic Policy Institute this month shows that in 1998, lower income families are working 379 more hours a year than they were in 1979.

The increase in working hours for African American and Hispanic families is even more dramatic. Middle-class African American families work an average of 9.4 hours more per week than their white counterparts. Hispanic

families work five hours a week more than whites at every income level.

Parents are spending less and less time with their families—22 hours less a week than they did 30 years ago, according to a study last year by the Council of Economic Advisers. Serious health and safety problems result when employees are forced to work long hours. A recent front page article in the New York Times told the story of Brent Churchill, a power lineman, who died in an on-the-job accident after working two and a half days on a total of 5 hours of sleep.

There are signs that at least House Republicans are finally coming around to our way of thinking. They have offered the President a plan to raise the minimum wage. This positive development gives us real hope that we can raise the pay of the lowest paid workers before we adjourn. But we cannot misuse an increase in the minimum wage as an excuse to cut workers' overtime pay, as the GOP proposes. The overtime pay provisions of the Fair Labor Standards Act have been in place for over 60 years, and they protect the rights of 73 million Americans.

Republicans also want to use any minimum wage legislation as a vehicle to repeal protections from millions of Americans who work hard as inside salespeople, funeral directors, embalmers, and computer technicians. These changes would punish these workers for advances in technology that have made businesses more efficient. They would take away basic protections from precisely those occupations where long hours are most at issue.

The Republican proposal also freezes the guaranteed cash wage for waiters and waitresses, and other tip employees. These men and women are usually among the lowest paid workers and often struggle to make ends meet.

Finally, the tax breaks in the Republican proposal are not reasonable. They total \$76 billion over ten years, compared to the \$21 billion tax cut that was included in the last minimum wage law that was enacted in 1996.

Congress is quick to find time to vote to increase their own salaries. The increase now pending would mean a raise of over \$4,000 a year. Yet, we have not found the time to pass an increase in the minimum wage to benefit hard-working, low-income Americans at the bottom of the economic ladder. Each day we fail to act, families across the country fall farther behind. The dollar increase we propose now should have gone into effect in January 1999. Since then, minimum wage workers have lost over \$3,000 due to the inaction of Congress.

The American people overwhelmingly support raising the minimum wage. They agree that work should pay, and that the men and women who work hard to earn the minimum wage should be able to afford clothing for their children and food on their tables.

Minimum wage workers should not be forced to wait any longer for the fair increase they deserve. We have bipartisan support for this increase and we are not going to go away or back down. No one who works for a living should have to live in poverty.

Mr. President, these charts depict parents working harder. This charts the hours worked by families with children in the bottom 40 percent of income. It is a comparison of the percent of increase in hours worked from 1979 to 1998. This 13.8 percent represents an average increase of 379 hours of work a year, compared to hours worked in 1979. It is just slightly less for white full-time workers. What we are finding out for Hispanics is it is 5 hours more a week than for white workers, and for African Americans it is 9 hours more. For white workers you have a 337 hour increase, and you almost double that for African American workers.

Let's see what that has meant in terms of where they rate in America in terms of the distribution of income. The bottom fifth of families have declined by 15 percent, even though they are working close to 400 hours a year longer than they were working 20 years ago. They have fallen behind, about a 15 percent decline in their living. For the middle fifth it is about a 12 percent advantage, and the top fifth, a 73 percent advantage.

If you took a chart—I will explain this on the next presentation—and divide the total workforce in fifths, from 1948 to 1975, you would find them virtually all identical. All of America moved together during those years. In the immediate period after World War II, all America moved together.

As a result of hard work and ingenuity, individuals who were successful experienced enhanced prosperity, which is fine. But all Americans who were prepared to work moved along together. Now we are seeing this extraordinary skewing at lower incomes of people working harder and harder and falling further and further behind.

This is another chart which indicates the purchasing value of the minimum wage is gradually declining. The poverty line is increasing which results in more and more American workers working harder and longer and falling into poverty, with all the implications for themselves and their families.

This next chart is extraordinary. It shows the expansion of productivity. We have heard we cannot increase the minimum wage because we have lost our edge in productivity. One can see from this chart the explosion in productivity. The blue line is a decline in real wages.

Historically, wages used to keep pace with the increase in productivity because that affects the actual cost to the employer. If the employees are going to be more productive, they ought to participate in the benefits of

increasing profits and increasing productivity. But that is not happening, and it is not happening among the low-income workers.

This next chart shows the purchasing power again. In 1968, it was \$7.66; it is now \$5.15. Without an increase, it will fall to \$4.90, the lowest in the history of the purchasing power of the minimum wage. At a time of the greatest economic prosperity of any country in the world, the income of those individuals who are working 40 hours a week, 52 weeks of the year is the lowest it has been in the history of the purchasing power of the minimum wage. That is absolutely crazy.

We have been denied an opportunity to vote on this issue. Why don't we vote on it and see how the Members feel about it? Why don't we just go ahead and take the vote? But, no, we are denied that opportunity. It is unacceptable that we are leaving here without doing so. That is one part of the unfinished business our leader, Senator DASCHLE, talked about.

The Glenn Commission Report on Math and Science Teaching released yesterday is a clear call to action to do more to put qualified math and science teachers in the Nation's classrooms.

As the commission emphasized, we need greater investments in math and science at every level. This commission is made up of distinguished educators, public officials, school administrators, school boards, local personnel, State national directors, and chaired by our good friend and colleague, Senator John Glenn, who spent such a great deal of time in service in the Senate focusing on and giving life to the issues of math and science training. He provided great leadership. We are very much in his debt for that effort. Now for the last 2 years, he has chaired a very outstanding commission, and they made their recommendations yesterday.

As the commission emphasized, we need greater investments in math and science at every level—federal, state, and local—to significantly increase the number of math and science teachers and improve the quality of their preparation.

We have made some significant progress in recent years, but we cannot afford to be complacent. In our increasingly high-tech economy, high school graduates need strong math and analytical skills in order to be competitive in the workplace. In addition, schools face record-high enrollments that will continue to rise, and they also face serious teacher shortages.

Recruiting, training, and retaining high-quality teachers, particularly math and science teachers, deserve higher priority on our education agenda in Congress. We should do all we can to see that schools have the Federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

The commission's timely report gives us new bipartisan momentum to address these fundamental issues more effectively.

The report calls for a \$3.1 billion investment a year by the federal government for recruiting, mentoring, and training teachers—with most of it for professional development activities. The question is, how fast can Congress respond? Can we act this year, or will we lose another year?

I propose that in the fiscal year 2001 appropriations, we make a down payment on the Glenn Commission recommendation investing \$1 billion in teacher quality programs, including Title II of the Higher Education Act, and the Eisenhower Professional Development Program, which makes math and science a priority.

Math and science appropriations is about \$335 million. It is in place. It has the confidence of educators. It is focused on math and science. We can take the initiative to enhance that program, following the Glenn recommendations. We can do that as our appropriators are meeting with the administration in these last 2 weeks.

Title II of HEA is vastly underfunded this year at \$98 million and the Eisenhower Program is vastly underfunded at \$335 million.

By committing \$1 billion now, for the coming year, we will be making a needed down payment toward meeting the Nation's teaching needs.

No classroom is any better than the teacher in it. The Glenn Commission report is our chance in Congress to tackle this head on and do what is so obviously needed to improve teacher quality across the country.

It cries out for action, and this is a priority. We should respond to it, and we can do something now. We have to provide the resources for investing in this area, I believe.

Finally, in the debate over prescription drugs, one of the most important reasons for Congress to act and act promptly has often been overlooked. The best source of comprehensive, affordable health insurance coverage for senior citizens is through employer retirement plans. In fact, the combination of Medicare and so-called employer wrap-around coverage is the gold standard for health insurance coverage for the elderly.

But private retirement coverage is in free fall, with ominous implications for all retirees. In the three year period from 1994 to 1997, the proportion of firms offering retiree health coverage dropped by 25 percent. In 1998, and 1999, another 18 percent dropped coverage.

We know one-third of the elderly have no prescription drug coverage. None. Another third have employer-based coverage.

From 1994 to 1997, it dropped 25 percent. From 1997 to 1999, it dropped another 18 percent. All the indicators are

going through the bottom. We are seeing dramatic reductions in coverage. We are seeing that prescription drugs are increasingly less relevant in terms of HMOs because the HMOs have been putting in a cap of \$1,000 and sometimes \$500 in the last 3 years, capping the amount they will actually provide for the senior citizens. And many of them are moving out of parts of the country.

The Medigap program is prohibitively expensive. The only people who are guaranteed prescription drugs with any degree of certainty and predictability are the poorest of Americans under the Medicaid program.

We can do better. We must do better. We can do better even as we are in the last 2 weeks of this session.

A 1999 survey of large employers by the consulting firm of Hewitt Associates found that 30 percent of these firms said they would consider dropping coverage over the next 3 to 5 years. So we have a 25-percent reduction from 1994 to 1997; an 18-percent reduction from 1997 to 1999; and now the prediction of another 30 percent who are going to lose it over the period of the next 3 years.

We know what is happening. The time to act is now.

According to a new study for the Kaiser Family Foundation, a central reason for this decline is the escalating cost of prescription drugs and Medicare's failure to provide coverage. As the study found:

Prescription drug costs are driving retiree health costs to an unprecedented extent. . . . The drug benefit has represented 40-60 percent of retiree's health costs after accounting for Medicare. Based on current cost trends, Hewitt projects drug benefits to represent as much as 80 percent of total 65+ retiree health costs in 2003.

The study estimates that President Clinton's plan could save employees as much as \$15 billion annually when it is fully phased in. They conclude:

The financial savings could . . . slow the erosion of retiree health care by lowering the costs for prescription drug benefits, which have been increasing for employers at double-digit rates and are a major source of concern.

A critical reason for this Congress to act to provide Medicare prescription drug coverage for the elderly is the worsening situation facing retirees. But the Republican majority won't act. They won't allow a vote. Just 3 days ago, they declared that Medicare prescription drug coverage is dead for this year. Their own proposals are not what senior citizens want and need.

The differences between the two parties are clear on this issue. Vice President GORE and Governor Bush have proposed two very different responses to this problem. The Gore plan provides a solid benefit under the existing Medicare program. Under the leadership of Senator GRAHAM and Senator ROBB, the Senate has already voted on

a bipartisan plan that would achieve the objectives of the Gore proposal. With the support of only a few more Republicans, a real prescription benefit can pass this year, so that all our senior citizens can get the prompt help they need.

Shown on this chart are the Gore and Bush plans. You have the comparisons. The Gore plan would be implemented in 1 year. The Bush plan is 4 years, with revenue-sharing with the States or block grants to the States. We would have to appropriate the money. Then, if there is, according to Governor Bush, a significant reform of the Medicare system, within that significant reform of the Medicare system—I don't know whether he means just the privatization or not—a prescription drug program could be included. You have that versus starting in a year from now.

Secondly, with regard to the guaranteed benefits—this is a crucial difference—what does this “Yes” shown on the chart mean on guaranteed benefits? It means this: When a senior goes into a health delivery system needing a prescription drug, the doctor prescribes what prescription drug that senior needs, and the rest is arranged through the Medicare system in terms of the payment. But the doctor decides.

As shown over here on the chart, under the Bush proposal it is going to be the HMO. They are going to be the ones making the decision. We can't even get the HMO reform here in the Senate. Now they are suggesting that we have a whole new system of benefits that are going to go through that system, where the HMOs and bean counters, who too often put profits ahead of patients, are going to make that decision.

Under the Gore plan, there will be good coverage. It is going to be comprehensive coverage. But under the Bush plan, we don't know what the coverage is going to be because it will be decided by the HMOs. This means it will be built out of the Medicare system. And this will be some other program that may be built upon HMOs or the private sector, which have been remarkably unsuccessful in many parts of this country.

More than 930,000 people have lost Medicare HMO coverage this year alone. Rather than be expanded, the drug program has been in decline. Senior citizens need help now. AL GORE's plan provides prescription drugs under Medicare for every senior citizen in 2002. Under the Bush proposal, there will be 25 million seniors who will be excluded because they are not eligible under the parameters of the Bush proposal. This makes absolutely no sense.

Experience shows that the Bush proposal would take years to put in operation. Only 14 States have the kind of insurance plans for senior citizens in operation today. This would be all

under the Bush proposal. All 50 States must pass new laws or modify legislation. Only 16 States currently have any drug insurance program. The CHIP program—the Children's Health Insurance Program—was passed in August of 1997, was available in October of 1997; and under Texas law, it took them until November 1999 to take advantage of it. It took 2 years to take advantage of it. And the money was already there. The Governors have already indicated they do not want the responsibility to develop, even with the funding, a whole new administration to be able to implement the program. So this is really a nonstarter for seniors.

It makes no sense to depend on HMOs to provide this crucial benefit. The Bush plan does not provide the stable, reliable, guaranteed coverage that should be a part of Medicare's promise to the elderly.

But there is one guarantee under the Bush plan. The benefits are guaranteed to be inadequate. The Bush program allocates almost \$100 billion less to prescription drug coverage than the Gore plan. The reason for this lesser amount is obvious. The Bush approach wastes most of the surplus on new tax breaks for the wealthy, and too little is left to help senior citizens.

The nonpartisan Congressional Budget Office has estimated that under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate and costs so high that less than half of the senior citizens who need the help the most—those who have no prescription drug coverage at all—will ever participate. A prescription drug benefit that leaves out half of the senior citizens who need protection the most is not a serious plan to help senior citizens.

There is still time for Congress to enact a genuine prescription drug benefit under Medicare. The administration has presented a strong proposal. Let's work together to enact it this year. It is not too late. The American people are waiting for our answer.

These are some of the issues I would hope we could still address. We ought to be able to pass the minimum wage. It is not complicated. It is not difficult. We know what is at play here.

We ought to be able to finally get prescription drug legislation. We voted on this in the Senate. A majority of the Members of the Senate actually supported a prescription drug program that would be worked through Medicare. We ought to be able to pass that in the Senate. As I mentioned, a majority of the Members already do support it. We ought to be able to get a downpayment on that legislation.

We ought to be able to deal with some of the education challenges. That is important. We ought to be able to get the Patients' Bill of Rights passed, as well as the hate crimes issues, and try to do something on the gun show

loophole, and some other matters. These are public policy matters that I think the American people want us to address. They do not want us to be out here now, as we have spent the better part of this week, in quorum calls. They want action, and they want action now. We, on this side of the aisle, are prepared to provide it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today as a senior member of the Budget Committee to talk about what I see as a breakdown in the budget process in the Senate. I think every member of the Budget Committee and every Member of the Senate ought to be concerned about what has happened the last several years but even more dramatically this year, in what can only be called a virtual meltdown of the budget process.

Those who are watching may say, well, what do we care what the budget process is. We care about the budget outcome. And that is exactly right. The most important thing is the budget outcome. But many times how you start has a lot to do with how you end up, and I am afraid we have now developed a disastrous operating procedure around here.

We start out with a fiction of a budget; we end up with no accountability, no control, and chaos at the end. That is where we are today. This is chaos. Every Member of the Senate knows that is true.

We have a circumstance now where bills are passed in committee, never come to the floor of the Senate, go to a conference committee, the Democrats are locked out of the conference committee, and Senators are denied their right to offer amendments to improve legislation. That is not the way the process is supposed to work. Together we have to mend it. If we don't, we are going to have a circumstance where someday, when the Democrats are going to be back in control, we can operate this way. And if you are in the minority and you are locked out and prevented from offering amendments, your ability to represent your constituents is badly diminished.

This is not just a Democrat issue or Republican issue. This is a question of how we function in this body. It is in all of our interests to have a process where Senators' fundamental rights are protected so they can carry out their fundamental responsibilities.

When I say we are in chaos, the story in the Washington Post yesterday, front-page story, tells us that is true. Here is the story: “Spending Floodgates Open on Hill.” Congress is moving to approve the biggest spending increase since Republicans took control in 1995. The binge is setting off alarms among fiscal conservatives and threatens to absorb a chunk of the future surplus.

"It is just a free for all," said Senator MCCAIN. "They are all equal opportunity pork-barrelers . . . This is the worst ever."

I agree with Senator MCCAIN. This is the worst ever. We have a process that is broken. The budget resolution is being paid no attention. That was predictable because the budget resolution made no earthly sense. It wasn't real. It was a fiction. As a result, we have no control, no accountability for what follows. Everybody is on their own. Every one of these committees is on their own. They are out there dividing them up, throwing it in. We are going to have—I predict today—a stack of paper on our desks, and we are going to be told: Take it or leave it; vote for it or the Government will shut down.

That is where we are headed. It is very clear to anybody who is watching. That should not be the way we conduct the people's business.

What is especially troubling about all this is that we have made enormous progress over the last several years, enormous progress in getting our fiscal house in order. We should not put at risk that progress. We should not put at risk the prosperity that has followed getting our fiscal house in order.

I want to look at the last three administrations and their record on deficits. I think it is instructive as we go into this election season. I think it is instructive as we consider what is occurring in the Senate and the House of Representatives right now.

If we go back 20 years ago, 1981, President Reagan came in. He had the old trickle-down economics. It was a disaster in terms of deficits; the deficits skyrocketed. We went from a deficit of about \$80 billion to over \$200 billion and tripled the national debt during his years. Fiscally, it was a chaotic time. President Bush came in; the deficit was \$153 billion. By the time he left, it was \$290 billion—more than double.

That is the record. It is in the books. I know it makes tough reading for some of our friends on the other side, but that is their record on the fiscal health of this country. The fact is, they had a policy of deficits and debt, and those deficits and debt threatened the fundamental economic security of the country.

In 1993, we had a new administration. This is their record—not a question; these are the facts. I remember President Reagan used to say facts are stubborn things. He was absolutely right about that. Facts are stubborn things.

In 1993, the deficit was \$255 billion. We passed a 5-year plan to reduce the budget deficit and to get it under control. Our friends on the other side said that if we passed that plan, it would crater the economy. That is what they said at the time. They said it wouldn't reduce the deficit. They said it would increase it. They said it wouldn't re-

duce interest rates; that it would increase them. They said it wouldn't reduce inflation; that it would increase inflation.

We can go back now and check the record. They were wrong on each and every count—not just a little bit wrong, completely wrong. Look at the record.

Every year of that 5-year plan, the deficit went down and went down dramatically, until we got to the fifth year of the plan and we were headed toward surplus. That is the record. We can look back and see who is right and who is wrong. It is just as clear as it can be.

The question is, Are we going to put all of this at risk? The President announced just the other day that we are going to have a \$230 billion budget surplus, a \$230 billion budget surplus for fiscal year 2000. Just 8 years ago, we had a \$290 billion budget deficit.

The results from this fiscal policy have been very clear. Before I get to the results, let me show how it happened. How did we get into this position? We got into this position by, in 1992, passing a plan that cut spending and, yes, raised taxes on the wealthiest 1 percent—raised income taxes on the wealthiest 1 percent. The revenue line went up; the spending line came down. We balanced the budget. We created surpluses, and the economic results have been dramatic and extraordinarily positive.

We now have the longest economic expansion in our Nation's history. This was recorded on February 1, 2000, in the Washington Post, the headline, "Expansion is Now Nation's Longest," 107 months of economic growth, the longest economic expansion in our Nation's history.

It is not just a record of economic expansion. It is the other positive results we obtained as well by getting our fiscal house in order: the lowest unemployment rate in 42 years; and on inflation, the lowest sustained level since 1965. We have the lowest level of sustained inflation in 35 years because we got our fiscal house in order. The welfare caseload has been cut in half; the percentage on welfare in the country is the lowest since 1967. This is the record. It is very clear. Those of us who supported welfare reform, those of us who supported the budget plan to get our fiscal house in order, those decisions have paid off for the country, and we should not put it all at risk.

Federal spending as a percentage of our national income is the lowest it has been since 1966.

Federal spending is the lowest as a percentage of our national income since 1966. These are the kinds of positive results we have developed as a result of a budget plan that added up, that made sense, that got our fiscal house in order.

Some say, gee, income taxes are the highest they have been in a generation.

Not true. The reason we have expanded revenue—yes, we raised rates on the wealthiest 1 percent. That is undeniable. That is correct. That was part of the plan that got our fiscal house in order. But it is also true that we passed sweeping tax cuts, child care credit, expansion of the earned-income tax that dramatically reduced the income taxes of tens of millions of Americans.

On March 26 of this year, the Washington Post, on page 1, ran a story under this headline: "Federal Tax Level Falls For Most; Studies Show Burden Now Less Than 10 percent" on a significant part of the American public.

Most Americans, this year, will have to fork over less than 10 percent of their income to the Federal Government when they file Federal income taxes. The fact is, for many segments of our society, income taxes, combined with payroll taxes, have gone down. That is because of the expansion of the earned-income tax, and that is because of the child credit. In fact, if you compare the tax burden for working families—according to the Tax Foundation, this is for a family earning \$68,000 in 1999—from 1975—this is both income taxes and payroll taxes—their tax burden declined from 10.4 percent to 8.9 percent.

That is not KENT CONRAD's numbers; those are the numbers from the Tax Foundation.

The Washington Post, in that same story, pointed out:

For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in 4 decades, according to a series of studies by liberal and conservative tax experts, the Clinton administration, and two arms of the Republican controlled Congress.

This is the record and these are the facts with respect to what has happened to the income tax burden. Because we have gotten our fiscal house in order, we have seen a substantial reduction in the publicly held debt. We are in a position, if we make no other changes in law, to pay off the publicly held debt of the United States by the year 2009. We all understand there are proposals for additional spending and for tax cuts that will move that back.

The fact is, if we made no changes in current law, we could pay off the publicly held debt in the country by the year 2009. In fact, we are right here on this scale. We have already started paying down the debt. In the last 3 years, we have paid down, I think, over \$300 billion of publicly held debt. That is a dramatic transformation, a huge improvement.

Let me just be clear. I give most of the credit to our side of the aisle which, in 1993, passed a 5-year budget plan that did most of the heavy lifting. We didn't have a single vote from the other side of the aisle. But it is also true that in 1997 we finished the job

with a bipartisan effort. I say to my colleagues on the other side of the aisle, that was good that we were able to come together in 1997 and do something together to finish the job.

Now the question is: Do we stay on this course or do we go off in some other direction and go back to what I consider the bad old days of debt, deficits, and decline? I hope not. I hope we avoid going back in the deficit ditch.

Let's look ahead. Here is what we are told now. Over the next 10 years, the projections are—remember, they are projections, and projections can change—telling us we can count on \$4.6 trillion of surplus. That is extraordinary, the turnaround that has been accomplished. First of all, remember that those are projections. They have improved by a trillion dollars in the last 6 months. They could go the other way in the next 6 months. Let's remember, they are projections.

Two, let's remember the \$2.4 trillion—more than half of it—is from Social Security. I think both sides have agreed that we are not going to raid Social Security—at least we agreed rhetorically we are not going to raid Social Security. Another almost \$400 billion is Medicare. So you add those two together, and that is \$2.8 trillion of the \$4.6 trillion, Medicare and Social Security, and that leaves about \$1.8 trillion of non-Social Security, non-Medicare surplus.

When I look at the budget plan of Governor Bush, it doesn't add up. It just doesn't add up. This is what concerns me about derailing the progress we have made and going back into the deficit ditch. Let me go through the math. I don't think it can be challenged.

We have the projected surplus of \$4.6 trillion. The Social Security surplus is \$2.4 trillion. The Medicare surplus is \$400 billion. That leaves a remaining non-Social Security, non-Medicare surplus of \$1.8 trillion over the next 10 years that has been projected. The Bush tax cut is—his large main proposal costs \$1.3 trillion. The other tax cuts that he has endorsed in the campaign are another \$300 billion. The interest cost of those tax cuts is another \$300 billion. So he has completely wiped out the non-Social Security, non-Medicare surplus. It is gone, poof.

Then he has an additional problem that is very big. He has recommended Social Security privatization. The transition cost of that proposal—or proposals like that one—is about \$1 trillion. Where does that come from? Where does that \$1 trillion come from? Is he going to take it out of the Social Security surplus? If he does, he has violated the pledge everybody has made here not to raid the Social Security surplus because that money is needed to meet the promises that have been made to existing Social Security recipients. If he takes that \$1 trillion out

of there, that undermines Social Security solvency because it is a transfer of money to allow people to set up private accounts.

Now, in addition to that, he has used every penny of the non-Social Security, non-Medicare surplus for tax cuts. Where is the additional money for defense? He made a big point in this campaign that we are not at the level of readiness we should have. Where is he going to get any money to deal with that when all of his money—non-Social Security and non-Medicare surplus—goes for tax cuts? Where is he going to get the additional money for education he has called for in this campaign? It doesn't add up.

What worries me very much is that we are going to go right back into the deficit ditch we just crawled out of. What a mistake that would be; what a tragedy for this country it would be to go back to deficits and debt and ultimate economic decline. I hope very much our colleagues will avoid that mistake.

Let me just say that it isn't just the Bush plan that threatens that, in my judgment. I am also worried about those who have massive new spending ideas because this fiscal responsibility, this course that we have embarked on to get our fiscal house in order, can be threatened in several different ways. One way is this Bush plan which, to me, is a financial disaster for the country if we ever adopt it. I hope very much that we do not. That would put us right back in the deficit ditch. But another way to threaten it is out-of-control spending. When you don't have a budget process that has any discipline to it, doesn't have any reality to it, you allow this kind of spending frenzy that is now going on in the committees to emerge. There is no accountability, no plan, and there is fundamentally no discipline.

I hope some colleagues are listening. We did a little calculation about what is out there going through the committees.

The \$60 billion 1-year effect they are talking about in the Washington Post is dwarfed by the 10-year effect because we are talking about a 10-year effect of \$450 billion by decisions that are being made in some closed room somewhere where one-half of Congress is being excluded. That is not the way to do business.

I hope very much that people on both sides who do not want to see us return to the bad old days of deficits and debt will get together in these final hours and agree that there has to be a better way of doing our business. I know it is not going to change this year, but I hope very much that next year we get back to a budget process that has some integrity to it and some discipline to it because if we fail, I fear very much that we are going to go right back to the bad old days of deficits and debt.

That would be a profound mistake for the country.

As one considers how far we have come and the dramatic improvements that we have made, they weren't easy. I know about the votes in 1993 to put in place a 5-year budget plan to get our fiscal house back in order. People lost their political careers as a result. That is not the biggest sacrifice to make. I know that. But the fact is, it was hard. It passed by a single vote in this Chamber. It passed by a single vote over in the House.

We have had such incredible prosperity in part because of the result of those decisions that created the framework so that the American people's hard work, ingenuity, and creativity could lead this economic resurgence. But we see other people who are hard-working and creative living in a failed system. We see it in Russia. We see it in other parts of the world. The fact is that we have a system that works because the monetary and fiscal policy of the United States over the last 8 years has been a good one, has been a sound one, and has been an effective one. But it can all be lost. It can be jeopardized. We can go right back very easily to deficits and debt. All we have to do is pass massive tax cuts that do not add up and pass massive new spending plans in concert with those tax cuts, and we will be right back to deficits, debt, and ultimate economic decline.

This is a matter of choices. It is a matter of choices for those of us who serve in Congress. It is a matter of choices for the American people as they go to the polls. I trust the wisdom of the American people. I trust the wisdom of my colleagues in Congress. I think when people have both sides of the story, they make pretty good judgments. Part of our responsibility is to make certain that people get both sides of the story.

I think I have made the point that Governor Bush has most of his priority placed on tax cuts. That really jeopardizes the fiscal discipline that we have achieved. As I look at what he has proposed, and the \$2.2 trillion, which is the surplus without Social Security, and you look at his plan and the additional tax cuts and the interest lost as a result of those tax cuts, you can see not only that he is using up the entire non-Social Security, non-Medicare surplus, he is using up almost entirely the surplus not counting Social Security. That is not a balanced plan. That is a plan that has enormous risk to it.

On top of that, his tax cuts aren't fair. He gives 53 percent of the benefit to the top 35 percent of the American people. That is the analysis by the Citizens for Tax Justice. The lowest 60 percent of the income earners in America get 11 percent of the benefits.

Again, that is not just KENT CONRAD talking; that is not just Citizens for Tax Justice talking.

Senator JOHN MCCAIN in his campaign pointed out that 38 percent of Governor Bush's tax cut goes to the wealthiest 1 percent. That is Senator JOHN MCCAIN's analysis of Governor George Bush's tax plan.

What is the fairness in that? Thirty-eight percent of the benefit goes to the wealthiest 1 percent?

The Governor is fond of saying that the surpluses are not the Government's money; it is the people's money. He has that exactly right. This money is the people's money. Absolutely. The question is, what should be done with the people's money? His idea is to give 38 percent of that to the wealthiest 1 percent. What kind of a plan is that? Wouldn't it be better to take the people's money and pay off the people's debt?

That is what I believe ought to be the top priority. Let's dump this debt. Let's get rid of it once and for all, especially before the baby boomers start to retire. We have a window of opportunity that is going to last about another 12 years. This is the time to dump the debt.

I offered a budget plan to my colleagues that would use 72 percent of these surpluses for debt elimination, 12 percent for tax relief, 12 percent for high priority domestic needs such as defense and education and health care. That, to me, is a set of priorities for the American people. This plan of Governor Bush does not add up.

JOHN MCCAIN said it well in his campaign. He said: "More importantly, there is a fundamental difference here," talking about the difference between himself and George Bush. "I believe we must save Social Security. We must pay down the debt. We have to make an investment in Medicare. For us to put all of the surplus into tax cuts I think is not a conservative effort. I think it is a mistake."

That was JOHN MCCAIN. JOHN MCCAIN had it right. There is nothing conservative about this plan that has been put forward by Mr. Bush. It is a radical plan.

On the notion that the Bush budget doesn't add up, again, it is not just my analysis. This appeared in the Wall Street Journal.

Both candidates agree they could afford to set aside Social Security revenues which account for about \$2.4 trillion of the projected surplus. That leaves roughly \$2.2 trillion.

Of course, they have not subtracted out the Medicare money. They go on to say: "Mr. Bush has a larger problem. His proposals most likely wouldn't fit even under CBO's \$2.2 trillion surplus" of non-Social Security money.

They are right. It doesn't fit within the funds. That leaves an enormous vulnerability. I hope before we leave that all of us will think very seriously about what the priorities are.

When I compare GORE and Bush on the question of budgets, GORE is pro-

posing a plan that pays off public debt by 2012. He has \$3 trillion of the surplus dedicated to dumping the debt; George Bush about half as much.

These are pretty straightforward facts. The fundamental question is, what is our priority? I believe the top priority ought to be to dump this debt, to pay off this debt. In fact, the plan I have offered would devote even more of the projected surplus than Mr. GORE does to eliminating debt.

Every economist who has come before the Budget Committee and the Finance Committee has said the highest and best use of these projected surpluses is to eliminate the national debt and do it now while we have a window of opportunity before the baby boomers start to retire. I believe that. I agree with that.

I hope we establish budget plans that have that fundamental principle and put that priority where it should be—on eliminating this debt while we can, because when the baby boomers start to retire, the numbers are going to turn against us in a very, very aggressive way. This is our opportunity. I hope we take it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the discussion today on the floor of the Senate about process and procedure and where we find ourselves near the end of this session. I will speak to the comments made earlier today by my colleague from West Virginia, Senator BYRD, and perhaps speak a bit about the comments made by my colleague, Senator CONRAD, especially about fiscal policy.

First, let me talk about process. As I do so, let me acknowledge that it cannot be an easy job to try to schedule and arrange and deal with the House and the Senate, and pass all the legislation, authorization and appropriations bills, that are necessary. A lot of people over many years have had the responsibility of doing that and many people aspire to that responsibility. One of the circumstances of control is that those who win the most seats in the Senate and the House then become chairmen and leaders, majority leaders, chairmen of committees; and the responsibility of having those jobs, of course, means bearing the burden of having to schedule and trying to arrange to make certain that Congress works the way it ought to work and passes the legislation on time and in regular order.

It is not an easy job. My colleague, Senator BYRD, who spoke earlier today, served as a distinguished majority leader in this Congress. He also served as chairman of the Appropriations Committee. He has had the responsibility to try to find a way to get this Senate to move and get it to move on

time and discharge its duties on time. Many others have done so, as well, including the distinguished Senator, Mr. Mitchell, most recently, as well as Senator Dole, and so many others over many years, going back to Lyndon Johnson, and decades and decades before that.

In this Congress, the 106th Congress, things have changed some. What has changed, it seems to me, is we have missed most of the deadlines. There doesn't seem to be a cogent plan by which we will meet the deadlines or meet our responsibilities. I want to show some charts that describe what has happened this year. The red on this calendar shows the number of days the Senate was not in session. As shown, a fair part of January, February, and March, a fair part of a number of months of this year, were days in which we had no session in the Senate.

There is some reason for some of that. We have work periods, when Senators go back to their States and meet with their constituents. That is understandable. That has always been the case. However, there needs to be some balance with respect to the number of days we are working here and the amount of time that is available to pass legislation that must be passed.

This is the situation as we near the first of October: The Senate has been in session only 115 days this year; only 115 days have we been in session. Of those 115 days, 34 of those days included no votes at all. In most cases, not much was done, perhaps only morning business for most of the day. Of the 115 days in session, there were no votes on 34 of those days. In fact, there were only three Mondays during this entire year in which there were any votes. For practical purposes, we don't have a Monday in the Senate. On the issue of Fridays, there were only six Fridays in this year in which there were votes.

What can be concluded from this is we have a Senate that really isn't in session much on Mondays or Fridays. Then the question is, what is left? Tuesdays, Wednesdays and Thursdays—except for weeks when the Senate isn't in session at all. That is what results in 115 days in session, 34 of which there weren't any votes.

Now we come to the end of this fiscal year with a lot of legislation yet to be completed. Only 2 of the 13 appropriations bills have been signed by President Clinton. That means 11 of them are as of yet incomplete. In September, we have only had votes on one Monday. This is the period of time in which we are trying to finish everything. We have had no votes on Fridays in September. It is difficult to get all of this work done, appropriations bills and other measures that need to get passed, if we are not in session.

I mentioned before we have 2 appropriations bills that are complete; 11 of them are, as of yet, incomplete. October 1 is the date by which the President

is to have signed all of the appropriations bills. It is the first day of the new fiscal year. What we have is a circumstance where most of the work that needs to be done by that moment is not completed.

I serve on the Appropriations Committee. I serve with a very distinguished chairman of that committee, Senator STEVENS. I am not coming to the floor to be critical of Senator STEVENS. I think he does an extraordinary job. I am serving on the agriculture appropriations subcommittee. The chairman of that subcommittee is Senator COCHRAN from Mississippi. I am not here to be critical of Senator COCHRAN. I think he is an extraordinary Senator. I think it is a privilege to work with Senator STEVENS and Senator COCHRAN. I think they do an extraordinary job. They are Republicans; I am a Democrat. I think they are good Senators.

I am not here to say they haven't done their work. I am saying this process, the fashion in which the House and the Senate have worked this year, has just not worked at all. It has become tangled in a morass of difficulty that has prevented Members from doing what we need to do.

We have discovered someone put bills together that in some cases have not been considered by the Senate; in other cases they have not been the subject of a conference, and marry up various pieces of legislation, bring them to the floor and say: Well, let's just have one vote on this omnibus bill that has two or three different appropriations bills in it.

That might sound efficient if you haven't done your work and you reach the end of the fiscal year, but efficiency is not what protecting the interests of all Senators or the interests of all Americans is about. The process by which we are able to debate public issues in this Senate, and by which we are able to get the best of what everyone has to offer, the best of the ideas, and the competition from debate, is a process in which we bring a piece of legislation to the floor, an appropriations bill to the floor, and say, all right, you come from different areas of the country; you come with different philosophies; you come representing different constituencies; now have at this.

This is what we have tried to do in the committee. If Members have better ideas, let's hear them. If Members have the votes to convince the majority of the Senate to support their idea, let's see. Just bring these ideas to the floor of the Senate. Have votes on them. In that manner, we develop public policy. Wide open debate is the essence of democracy. That is the way democracy works.

An old friend of mine back home used to love politics. He used to say: They don't weigh votes; they count votes.

That is the way the Senate should work: Have the debate, have the vote,

count it up, and the winner wins. That becomes the process of making public policy.

We have a long and distinguished history in this body. I have learned a lot listening to Senator BYRD over the many years, talking about the history of the Senate. His history goes back to the Roman Senate and beyond. One cannot help but serve here and understand there is a tradition, a tradition that we must respect as we conduct our business on behalf of the American people. We are not here by ourselves. We are not standing just in our shoes. We are here because our constituents have said: Represent us in this democracy; go to the Senate and give it the best you have, adding your voice to the votes that come from the hills and valleys of this country, and participate in the making of public policy.

The process we are seeing now all too often prevents that from happening. I am on a subcommittee of the Appropriations Committee that I am reading about every day in the newspapers. I am a conferee, in fact. But there has been no conference.

Two days ago, I got a call from somebody saying it is going to be brought to the floor of the House and the Senate tomorrow. I said, "What is?" They said, "A conference report." I said, "I am a conferee and there has not been a conference. How can there be a conference report?"

But that is what is happening around here all too often. I think we need to get back on track and decide there is a process we should respect, a process that represents regular order and a process that protects the rights of all Senators to participate in the making of public policy.

What is the agenda here? Why are we so passionate about this, talking about this process? Because the process allows everyone in this Chamber to come here and witness for the public policy they want, to try to keep this country ahead.

Let me go through a list of them briefly. Some of my colleagues have done so. My colleague from North Dakota, Senator CONRAD, just talked about fiscal policy. The process, if followed the way tradition would have us follow it, would allow us, in a year such as this, to grab ahold of this fiscal policy issue and evaluate what do we do. This is a new time. We now have expected surpluses in our future. What a remarkable change from the understanding that every year we were going to have a deficit and it was going to continue to grow, to mushroom out of control. All of a sudden that is gone. We have a new reality. We have fiscal policy surpluses.

I have told audiences from time to time the two enduring truths about political existence in the last 40 years or so in our public lives, the two enduring truths that overshadowed or at least

represented a foundation for all of the decisions were: No. 1, we had a cold war with the Soviet Union, and, No. 2, we had budget deficits that just kept growing. Those were the two enduring truths that had an impact on everything else we did.

Think of this: Those two truths are now gone. There is no Soviet Union. The cold war is over. And there is no budget deficit. What a remarkable change in a short period.

So my colleague came to the floor a few moments ago and talked about fiscal policy given these new truths, the fact we may have budget surpluses in the years ahead. The question then is, What do we do with them? So we need to have a debate about that. Some come to the floor of the Senate and say: We know what to do with expected surpluses. Even before the surpluses exist, let's get rid of these surpluses by providing very large tax cuts and let's make sure the largest tax cuts go to those who have the largest incomes in this country. So they come to the floor with \$1 trillion, or \$1.3 trillion, in tax cuts over the next 10 years. This is before we even have the surpluses. Economists who can't remember their home telephone numbers tell us they know what is going to happen 3, 5, 7 and 10 years from now.

I come down on the side on which my colleague comes down; that is, we ought to be mighty conservative and cautious about this. For the first step, maybe we ought to pay down some of the Federal debt. If you run up the debt during tough times, what greater gift could you give to America's children than to reduce the Federal debt during good times? That is step No. 1.

Step No. 2, sure, if there is room, let's provide some tax cuts in a way that invests in opportunities for America's families, working families. Would it not be a nice thing for those people who are reaching up and struggling to afford to be able to send their kids to college to say: The cost of sending your kids to college you can deduct on your income tax; you can deduct the cost of tuition. What a good investment that would be, and what a nice way to have a tax cut in a way that incentivizes families to send their child to school: Reduce the debt, provide some tax cuts in ways that say to working families, we are going to try to help you.

Then make some other investments. It is not a circumstance that everything that goes out of here is spent. Some of it is invested. Our future, 10 years, 20, 40, 60 years from now, is going to depend on what we invest in that future today. I mentioned education, but there are more issues than just education.

The question of fiscal policy—what do we do, and how do we do it—is a very important question. The way we get to that and have the votes on it and have an expression of what we want to

do, what the American people want to do, is have all the ideas here and vote on them. That is awfully inconvenient for some because we have to cast all these votes and some people want to just vote on the things they want and prevent the things other people want. It is inconvenient. That is democracy. Sure, it is inconvenient to give the other person their opportunity to bring their ideas to the floor of the Senate, but that is democracy. Democracy is not always convenient. It is not always efficient. It is so far above any other form of government known to mankind we can hardly describe the difference, but it may be inconvenient.

The issue that has been raised today about process is to say that inconvenience is actually designed into this system, to make sure we do not move rapidly, we do not move with haste, to ensure we do not move riding on a wave of passion that will require us or persuade us to do things we will later regret. That is the way the Senate was developed. Nobody ever suggested the way the Senate was going to react to things, or the way the Senate was going to discuss public policy, was going to be efficient. In fact, those framers, Madison, Mason, Franklin, and so many others—Thomas Jefferson, who contributed from abroad when he was serving this country—did not want a system that created a Senate that was efficient so, in an afternoon, you could grab a big public policy and decide you would each get 10 minutes, have a little vote on a couple of amendments, and that was it because we needed it to be convenient for us.

No, they created a far different system. This body has been known from time to time as the body in which the great debates of democracy take place. But I fear that is changing because some, I think, do not understand the value of debate. Debate is never a waste of time. Debate is always a contributor to knowledge. Debate, from the best to the least of those who come to public service, contributes in some way to the whole of democracy.

I have been to the floor of the Senate many times talking about another issue on the agenda. I just talked about fiscal policy. There are other things I want to get done. One area where my colleague and I may disagree from time to time—some say you should not be repetitious in trying to push your agenda. In some cases I think repetition is necessary. For example, minimum wage. We have a lot of families out there who are working at the bottom of the economic ladder. In fact, a report came out 2 days ago that said we have 3 million people working 40 hours a week who are living in poverty in this country. There are 3 million workers working 40 hours a week, full time, living in poverty. Do you know why? Because they are working right at the bottom of the economic ladder.

Who is out there in the hallways, clogging the hallways of the U.S. Capitol, saying: Do you know what my business is on Thursday here in the U.S. Capitol? I am here on behalf of the low-income folks. I am here on behalf of the voiceless, those not too involved in politics because they are struggling just to work, to make the minimum wage, trying to get home and feed their kids. The hallways are not flooded with people representing those folks. These hallways are crowded with people representing the privileged, people representing the largest corporations in America, people representing those who have done very well in this country, at the upper income scales. They have great representation.

Good for them. Everybody deserves that in a democracy. But my point is, when it comes time to debate public policy on a range of issues and it comes time to discuss the minimum wage, who stands for those families? The people who work the night shift, the people who work the night shift in the hospital for minimum wages, who are moving the bed pans around and changing the beds and helping people up and out and walking around—who is here speaking for them? The people who are working in the convenience stores at 2 a.m. for a minimum wage, who are trying to raise a family and do not have the skills to get a better job and are trapped in one of these cycles of poverty—who is here speaking for them?

The hallways are not crowded, in this Capitol Building, with people paid to represent those at the bottom of the economic ladder. I think from time to time it is important, even if rebuffed once, twice, or six times in a year, to say increasing the minimum wage for those who are struggling at the bottom of the economic ladder is important; if we do not get it the first time, we have a vote the second time; if we don't get it the second time, we have a vote the third time.

Yes, that is inconvenient, too, but it seems to me the rules of this system also allow for those who are passionately interested in pushing for those who do not have much voice in this political system.

Patients' Bill of Rights is another issue that gets caught in this process. Speaking of process, the Patients' Bill of Rights is the most remarkable piece of legislation. If I can for a moment describe the Patients' Bill of Rights as an issue and describe it through the experiences of people who have been gripped in the vice of a system that does not work for them, a woman who is hiking in the Shenandoah Mountains falls off a 40- or 50-foot cliff, breaks multiple bones, and falls into a coma. She is taken to a hospital in an ambulance, lying on a gurney in a coma with very severe injuries. She miraculously recovers, only to find that her HMO and managed care organization sends

her a bill saying: We are not going to cover your emergency room treatment because you did not get prior approval for emergency room treatment.

This is a woman hauled into the emergency room in a coma suffering serious injuries from a massive fall and told: You did not get prior approval for emergency room treatment.

Or little Ethan Bedrick; Ethan Bedrick is a young boy. This is a picture of young Ethan. He was told he had a 50-percent chance of walking by age 5. He was born with pretty severe disabilities from cerebral palsy. He had a 50-percent chance of walking by age 5. He needed rehabilitative therapy, and his managed care organization said having a 50-percent chance of walking by age 5 is "insignificant" and, therefore, we deny coverage for the therapy.

Think of that. It is insignificant for a young boy to have a 50-percent chance of being able to walk and, therefore, the managed care organization says: We deny coverage.

Is there a Patients' Bill of Rights that ought to provide rights to Ethan Bedrick, provide rights to the woman who falls off a cliff and is hauled into a hospital unconscious? Or, if I may take one more moment to describe the woman who testified at a hearing Senator HARRY REID and I had in the State of Nevada, a mother who stood up and told us that her son was dead, 16 years old; he had leukemia.

At the moment when he needed the treatment that would give him a chance to survive this leukemia, the HMO said no. Only later—much later—did they finally say yes, and it was too late; he was too weak. She held up his colored picture at this hearing and, through tears, she told us about her son. Her son, Chris Roe, died October 12, 1999, on his 16th birthday. I will never forget the moment when his mother, Susan, held up a picture and said: My son looked up at me from his bed and said: Mom, how can they do this to a kid like me?

He was denied the treatment that would have given him the opportunity—not a guarantee, but the opportunity—to deal with his cancer, and he died.

This young boy was told to fight his cancer and then fight his insurance company at the same time; take on both folks: You go ahead wage this cancer fight, but then you are going to have to fight us to get coverage for the things you need that might give you a chance at life.

The question is: Mom, how can they do this to a 16-year-old kid like me? And his mother, through tears, held up this colored picture of this young, 16-year-old boy and asked: How could they have done this?

Should Congress pass a Patients' Bill of Rights? What about the process there? The House of Representatives passed a bipartisan Patients' Bill of

Rights, a real one, and sent it to conference. This Senate has a right to do this. They passed what I call a "patients' bill of goods," an empty vessel, and sent it to conference so the Senate could say: We passed a Patients' Bill of Rights. But we did not.

A Republican Member of Congress, Dr. NORWOOD, and a Republican Member of Congress, Dr. GANSKE—do not take it from me; take it from them—said the Senate took a pass on this issue. They passed an empty vessel. What the Senate did is a step backward, not forwards.

Should we have the opportunity in this process in the Senate to have another vote on this? Things have changed. The last time we voted on this, we came up one vote short. This time, it will be a tie vote, based on what we know to have happened in the interim. With a tie vote, the Vice President will cast a vote to break the tie, and this Senate will send to conference a Patients' Bill of Rights that is a real Patients' Bill of Rights.

It says you have a right to know all of your medical treatment options, not just the cheapest. You have a right to emergency room care. You have a right, if you are being treated for breast cancer, to take your oncologist with you. If your spouse's employer changes health care providers, you can continue with that same cancer specialist who has been working with you 5 or 7 years. You have that right.

Should we be able to have another vote on that in the next day or 2 days or 2 weeks? The answer is yes, absolutely yes, because it is important to young Ethan, it is important to the memory of Chris, and it is important to all the others out there who are being told: You fight your disease and, by the way, fight your insurance company as well because some of these managed care organizations are much more interested in profit than in your health.

I hasten to say, not all. There are some terrific insurance companies and some terrific HMOs, and they do a great job, but there are some around this country that are doing to patients what I just described, saying to people like young Ethan that the potential to walk is insignificant at 50 percent. We should change that.

Do I have passion for these issues? You are darn right. I was elected to the Senate and I came here because I wanted to do good things for this country. I want this country to be a better place in which to live, whether it is health care, a Patients' Bill of Rights, adding a prescription drug benefit to the Medicare program, eliminating the barriers that prohibit the reimportation of prescription drugs from other countries so our people can access less expensive prescription drugs, or gripping the education issues in this country the way we know we should—reducing class

size, renovating and repairing crumbling schools.

I came here because I wanted to do these things. I do not want people to prevent us from having the votes on them. I have spoken so often about going into the school with Rosy Two Bears, a little third grader, that I know people are just flat tired of it, but I could care less.

She walks into a school classroom that none of us would want our kids to walk into. It is a public school. Part of it is 90 years old; part of it is condemned. It has one water fountain and two toilets in this little school. They cannot connect to the Internet. They do not have good recreational facilities, and little Rosy Two Bears looks up at me and says: Mr. Senator, will you build us a new school?

I cannot do that because I do not have the money, but this Senate can. This Senate can say to Rosy and all the others who are walking through a classroom door in this country: We want you to walk through a door of which you are proud. It does not matter where you are, who you are, if you are a first grader, a third grader, or a twelfth grader. We want that schoolroom to be a schoolroom of which you are proud; we want you to be the best you can be. We want every young child to rise to the level of their God-given talents in every corner of America.

That ought to persuade us that the process by which we consider legislation in this Congress gives us full opportunity to take a look at that fiscal policy and say: If we are collecting more than we need, we can give a little back, pay down the debt, and let's also, in addition to giving a little back and paying down the debt, invest in better schools for our kids. Let's take the best ideas everybody has in this Chamber and have a good debate about that.

That is part of the passion with which most of us came to this body. We came here to get things done, and we are so frustrated by a process that seems to say: If it is our idea, we are going to vote on it. If it is your idea, somehow we are going to put it in a box someplace.

The PRESIDING OFFICER. The Senator has spoken for 30 minutes.

Mr. DORGAN. Mr. President, I ask for 30 additional seconds.

Mr. BYRD. Mr. President, I have 38 minutes, do I not, remaining?

The PRESIDING OFFICER. The Senator has that much time and more.

Mr. BYRD. I thank the Chair.

I yield—how many minutes does the Senator wish?

Mr. DORGAN. Just 2 is fine.

Mr. BYRD. The Senator asked for 2 minutes. I will give him 4.

Mr. President, let me say to the Senator, the Patients' Bill of Rights, absolutely, if there is an opportunity to pass that, if it takes twice, if it takes three times, if it takes six times, fine, I am for it.

Minimum wage: I am one who used to work at less—less—than the minimum wage by far. If we pass it, yes. So we are not in disagreement on that.

I think the Senator referenced, a little earlier, two times when I have felt that we are calling up an amendment just as a political amendment and doing it over and over and over again. That is different from what he is speaking of. I am not for that. I am not for taking the time on an amendment which has no opportunity, no future, no possibility of passing.

But in these cases, it is obvious. And the way he has described these has produced such a vivid picture of need that I am very supportive of trying again. There are reasons why one might try again and win. And the Senator has just stated it with reference to the Patients' Bill of Rights.

So I congratulate this Senator, who does so much for the Senate, who has so much to offer, who has such great talents, and who does not hide those talents in a napkin but produces five-fold or tenfold. I congratulate him and salute him. I thank him for what he has said on the Senate floor today.

So I have yielded him 4 minutes. And I have taken how much?

The PRESIDING OFFICER. Two and a half minutes.

Mr. BYRD. I yield the Senator 4 minutes still. That still leaves me, I understand, 30 minutes or more.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. DORGAN. Mr. President, the Senator from West Virginia is very generous. Let me conclude by saying something I think is important. I came to the floor because the Senator from West Virginia is someone for whom I have great respect. He was talking about the process, the method by which the Senate is supposed to work. He has been here much longer than I have. He knows the history of the Senate far better than I do. I have great respect for that.

He did not come to the floor—I listened carefully to his discussion this morning—and I did not come to the floor to be critical of others. It is a tough job running this Senate. I certainly did not come to the floor to say that the distinguished chairman of the Appropriations Committee has not done his job. I happen to think Senator STEVENS is an outstanding Senator, Senator COCHRAN, and so many others with whom I have served. So I do not come here with the purpose of casting aspersions.

But I just come to the floor because I fear that what is preventing us from getting to where I want the Senate to get to, and that is to have a full debate, and good, strong open votes on the issues I care passionately about. We are thwarted from doing that. In fact, we have had bills brought to the

floor of the Senate and had cloture motions to shut off debate before the debate began, cloture motions to shut off amendments before the first amendment was offered. That thwarts this process. Back home they would say that is throwing a wrench in the crank case. That just shuts it all down. It is not the way it ought to work.

I think it is a privilege every day to come to work here. I grew up in a town of 300 people, had a high school class of 9, and never in my life thought I would meet another Senator, I suppose, let alone serve in the Senate. I think it is a privilege every day to come here.

But the reason I think it is a privilege is because I bring, as most of my colleagues do, an agenda of passion to make changes that I think will improve this country. I might be wrong in some of it. Maybe so. But I want my day. If I can persuade enough Members of this Senate to vote on the things I care about, then if I win, I win. If I don't, maybe I learned something from the debate. I am willing to lose. But I am not willing to lose the opportunity to have a full debate and a vote on the things that I and the constituents I represent in North Dakota care deeply about. That is the point. I am not willing to lose that opportunity. The process in this Senate increasingly begins to shut those opportunities down.

The Senator from West Virginia came the Senate to say, let's not do that. Let's not do it for Republicans or Democrats. Let's not do it out of concern for this Senate, its proud history and its future. Let's not do that. Let's get back to the way we are supposed to debate public policy in this Chamber.

I commend the Senator from West Virginia and my colleague, the Senator from Nevada, and others, who have spoken today. I hope we can all work together and get the best of what each can bring to this Chamber in the debate about public policy.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the unanimous consent agreement that is now before the body, Senator JOHNSON is to be recognized for 10 minutes, then Senator DURBIN for 30 minutes. I ask unanimous consent that following that, Senator CLELAND be recognized for up to 15 minutes.

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

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Nevada. I must say, I commend my colleague from West Virginia, Senator BYRD, for his suggestion that some of us come to the floor today to talk a little bit about the process.

Some people would say it is a procedural issue. It is far more profound than simply a procedural issue in the

context of the way we have handled legislation on the Senate floor this year. The process that has been applied not only does, I believe, great damage to this institution, but, in the end, it has great consequence to the substance of our legislative priorities and certainly of the budget for our Nation.

Two out of the 13 appropriations bills that are required to run the Federal Government have been passed. Eleven remain incomplete. October 1 is the beginning of the Federal fiscal year, and yet we have made little progress on the Federal budget. We have a CR, continuing resolution, that will take us to October 6. But, clearly, we are in a state of chaos right now relative to the completion of our work in the Senate.

This year has been the shortest legislative session in the Senate since the "do-nothing" Congress that President Truman campaigned against. As my colleague from North Dakota alluded to, during the entire course of this year, we have been in session and have had votes in all of 3 weeks out of the year. How many of our constituents can imagine employment or service of any kind that would involve 3 full weeks out of the year? Of those 115 days we have been in session, roughly 30 percent of them have involved no votes whatever. No progress has been made relative to the completion of the people's agenda.

Now we find, I think most profoundly objectionable of all, an appropriations process where appropriations bills which deal with the Federal budget but, more importantly, deal with where our priorities are as a people—whether we are going to invest more money in education, in health care, in Medicare, in the environment, in our national defense, towards debt reduction—these are all the issues that need to be resolved in the context of the appropriations debate. Yet we find now that these bills move in an unprecedented fashion from an appropriations committee directly to conference, with no consideration on the Senate floor whatever.

It has never been done this way, this kind of legislative bypass of the legislative process, in the Senate.

Fully half of the Senators in this body, 25 States, have no representation on the Appropriations Committee. Certainly that is the case for my home State of South Dakota. Those States have no input, no opportunity to speak for their constituents about the nature of these appropriations bills and the kind of priority they apply to our Nation's needs. These bills then go to conference. What is worse, all too often then the conference committees in turn have not met, but only the majority party members agree then to send the bill back to the floor in a conference report, which is unamendable. So we have not even the distilling of thought through the conference committee process.

This is a terrible process, one that brings a significantly demeaning quality to the thoughtfulness that ought to be going into these fundamental questions.

Eight years after President Clinton was elected to office, having inherited \$300 billion a year in red ink, we find ourselves now running budget surpluses. In fact, the White House and the congressional budget experts project budget surpluses in excess of \$4 trillion over the coming 10 years. We ought to be cautious about those projections. They are only projections. Most of the money would materialize only in the outer years. Even so, that is a remarkable turnaround. It creates for us a once-in-a-lifetime, a once-in-multiple-generations opportunity to focus on what kind of society America will be for years to come.

If we take the surplus and then set aside the trust fund dollars—Social Security and the other trust funds as well—it is projected that we will have a budget surplus of around \$1.2 trillion over the coming 10 years. Unfortunately, our colleagues in the House and the Senate, over my objections and over the objections of Senator DASCHLE and most Members on our side, have passed tax cuts that would cost \$1.7 trillion over 10 years, when we have only \$1.2 trillion to spend before we even get to issues about whether we are going to do anything to improve the quality of education, Medicare, health care, debt reduction, veterans programs, agriculture, the environment, and whatever other needs our Nation might have.

Wisely, the President has vetoed the two most expensive tax bills. We can bring them up again in a bipartisan fashion and in a more thoughtful manner. We can address those issues as well as questions of paying down the debt, questions of education and health care, rebuilding our schools, technology that we need, and the strength of our national defense.

We cannot bring these issues up and consider them in a thoughtful, deliberative fashion if these issues bypass the Senate floor. That is what the process now entails. This a perversion of our democracy. This is not what the founders of our Republic designed. It does grave injustice not only to this institution but to the needs of every citizen of this Nation.

I applaud the work of Senator BYRD, who is an extraordinary scholar, who has a great understanding of the traditions of this body, and who understands our democracy as well as anyone who has served in this body. I appreciate his suggestion that we come to the floor and talk about how our democracy is being demeaned by this process, that, in fact, the kinds of thoughtful, deliberative priority-making decisions all of our people ought to be engaged in are being denied as these bills go directly

from the Budget and Appropriations Committees, with no opportunity for amendment, no opportunity for discussion, into conference committees, which are then unamendable. We wind up with the chaos that we have today, with only 2 of the 13 appropriations bills having been passed, as we near October 1, the beginning of the Federal fiscal year, and we find ourselves in a state of legislative chaos as we end this month of September.

The people of this country deserve better. We need to work in a bipartisan fashion to bring these bills up in an orderly way and to allow amendments and debate, as was designed for this institution. To see that lost is something in which we can take no pride. It is a shameful circumstance in which we find ourselves in this body, that this would ever have occurred in our democracy. It has never happened before to this scope.

It is my hope we learn some painful lessons from the experiences we are having this year. The issues before us are too profound. They are too significant relative to whether we will at last use some resources to pay down the debt, keep the cost of money down, and sustain a strong economy, while at the same time reserving some financial resources to rebuild schools, to do what we need to do to live up to our commitments to veterans, to have a strong national security, to improve our environment, to strengthen Medicare, and to do something about prescription drugs. These are the issues we are being denied an opportunity to debate, to vote on, and to arrive at the kind of political compromises necessary for all of our needs and all of our priorities and all of our points of view to be truly represented in this country. Hopefully, these are lessons that are painfully learned, lessons that will never have to be repeated in future years.

This is a sad day to look back at the lack of progress that has been made in this 2nd session of the 106th Congress. This Senate has been denied its ability to truly do its work. The people of America, not the Senators, are the great losers by the process that has been applied to the appropriations process and the legislative process in general this year.

I will do all I can to work in a bipartisan fashion to never allow this kind of process to occur again. The people of our Nation deserve far better. If we are going to play the leading role in the world, both economically and in terms of security, we need an institution that works better than that.

I yield the floor.

Mr. REID. Mr. President, I have spoken to the Senator from Illinois and the Senator from Georgia. They both agreed to limit their time by 5 minutes. Senator CLELAND will take 10 minutes and Senator DURBIN 25 minutes. I ask unanimous consent that the

present order be amended to that effect.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that my friend and colleague from Georgia, Senator CLELAND, has permission to speak for 10 minutes under our agreement and that I have 25 minutes. Since Senator CLELAND is now on the floor, I ask unanimous consent he be allowed to speak before me and that I follow him with my 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Illinois for yielding to me for the purpose of discussing the ambiguous situation in which we find ourselves in terms of the budget process and the appropriations process.

I thank the distinguished senior Senator from West Virginia, Mr. BYRD, for his continuing efforts to remind Members of this Chamber of our responsibilities to this institution but, more importantly, responsibilities to the American people.

Today Senator BYRD is causing us to step back and reflect on what we are now doing with respect to the appropriations process. It brings back a comment I like from Winston Churchill: How do you know where you are going unless you know where you have been?

Senator BYRD reminds us where we have been in the appropriations process, our history, our tradition, and the rules of the Senate. He is very fearful of where we are going in that process, and so am I.

As a Senator now for 3½ years, I am certainly not nearly as well versed as Senator BYRD in the history or the precedents of the Senate. I would like to add that I believe all other Senators, of whatever level of experience and of both parties, acknowledge his leadership in this respect. Nonetheless, from what I have read and heard in this debate, in the first budget and appropriations cycle of the 21st century, the Senate has moved in a new and deeply troubling direction.

I am certainly aware that on occasion the Senate has been compelled by necessity to resort to bypassing the regular process of committee action for consideration and amendment, conference action, and then final approval, final passage, of individual authorization and appropriations measures.

Indeed, I voted for the massive omnibus measure with which we concluded the 1998 session. That single bill totaled a whopping \$487 billion and funded 8 out of the 13 regular appropriations bills. I think Senator BYRD himself said on that occasion, "God only knows what's in it." Most of us didn't.

However, even on that occasion, the Senate actually took up separately and

passed 10 of the 13 bills and considered 1 other bill—namely, Interior appropriations—while only 2 appropriations measures, the Labor-HHS-Education bill and the relatively small District of Columbia bill, were acted on in conference without any previous Senate floor action.

By contrast, this year the number of appropriations measures which are apparently headed for conference action without affording the full Senate an opportunity to work its will has grown to three: Commerce-Justice-State, Treasury-Postal, and VA-HUD. Not only is this trend disturbing, but apparently a determination was made fairly early on that these measures would somehow not require regular floor consideration.

I have heard many theories as to why this will be so, including fears of hard votes, difficult votes, or of obstructionist tactics. But I have yet to learn of any real justification or defense of the notion that the Senate has discretion as to whether or not it will consider appropriations bills—the means through which we are supposed to discharge perhaps the ultimate congressional authority under the Constitution, the power of the purse.

If we in the Senate are not authorized or able to have an impact on appropriations bills, we have what the American Revolution ostensibly was all about: taxation without representation.

I have the great privilege of representing the 7.5 million people in the State of Georgia, the 10th most populous State in America. Georgia hasn't had a representative on the Senate Appropriations Committee since 1992. And while the 28 members of that committee, representing 27 States, with Washington being fortunate to have 2 seats, do a good job of considering national needs and local interests, they cannot be expected to know the priorities and interests of the people of Georgia.

As the Senate was envisioned by the founders and as it has operated throughout our history, the absence of State representation on the Appropriations Committee was not an insurmountable burden. Nonappropriators could expect to have the opportunity to represent their constituents' interests when the 13 appropriations bills came to the Senate floor were open to debate and amendment. Indeed, in my first 3 years in the Senate, I often had recourse to offering floor amendments or entering into colloquies on behalf of Georgia—Georgia priorities and Georgia people. But with the apparent move to routinely bypassing the floor, what am I or, more importantly, my constituents to do?

In looking at the fiscal year 2001 bills, which apparently will not come to the Senate floor in amendable form, the potential adverse impact on my

State is clear. For example, the Commerce bill funds key Georgia law enforcement efforts, including the Georgia Crime Lab and technology enhancement for local law enforcement agencies, such as the Macon Police Department. The Treasury bill contains the budget for the Federal Law Enforcement Training Center in Glynn County, GA. And the Veterans' Administration appropriations measure covers the national veterans cemetery for north Georgia that I got authorized last year. For all of these and more, the Georgia Senators will now apparently have no direct role.

This is not the way it should be, under the Constitution, or the way we ought to act under the traditions of the Senate. More and more of the most important decisions affecting our constituents and their communities are being moved off the floor of the Senate and into closed-door deliberations involving a small number of negotiators where the people of my State are left out and where my only choice as their representative is a single take-it-or-leave-it vote on a massive and unfathomable package. This is taxation without representation.

Mr. President, I understand that in an election year—especially this one—it is always a challenge to have the Senate get its business done on time. But when “business as usual” starts becoming a process where the Senate routinely doesn't get to work its will, something fundamental has been lost. Then, we had better worry not just about the interests and constituents of today, but the precedents and legacies we are leaving for future Senates and future generations of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that under the agreement I have 25 minutes.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Georgia, MAX CLELAND, my usual seatmate. I moved over here since he was speaking. I thank him for his presentation. He is one of the hardest working Members of the Senate. I echo his words. We both find ourselves, as do all Members of the Senate, in a real predicament. We have only passed three of the appropriations. Two of the bills have been signed into law, and now we are going to send three of the appropriation bills, as I understand it, into a conference committee without any consideration on the floor of the Senate.

This is not unprecedented. It has happened, but very rarely. What troubles me is it is becoming a rather common practice. When the President gives a State of the Union Address at the beginning of the year, he spells out to Congress his hopes for what we can

achieve. Many of these hopes are never achieved. That is the plight of a President—relying on a Congress which has its own will and agenda. But the one thing the President is certain will be achieved is that, at the end of the congressional process, the spending bills necessary to keep the Government in business will be passed—13 bills.

If Congress did nothing else, it would have to pass the spending bills. Otherwise, agencies of Government would close down and important functions of Government would not be served. So the President, after giving all of his ideas in the State of the Union, steps back and watches Congress, which starts by the passage of a budget resolution and considers 13 different bills, funding all of the agencies of the Federal Government.

Sadly, over the last several years we have seen this whole process disintegrate to the point where, at the end of the session—and we are nearly there now as we come to the floor today on September 28; our new fiscal year begins October 1. Sadly, each and every year we end the session without doing our work. We end up with all of these spending bills which involve literally billions of dollars and many different functions of the Federal Government that have never been worked through the system. There are authorizing committees and appropriating committees, and they have the right names on the door. But when it comes to the bottom line, they don't, in fact, do their business and bring a bill out of the committee to the floor for consideration.

When we are studying civics and political science, one of the first books we run across is a pamphlet entitled “How Laws Are Made.” We teach our children and students across America, and around the world, for that matter, that there is a process in the Congress. The process involves committee consideration, floor consideration on both sides of the Rotunda, and if there are differences, a conference committee, which results in a compromise which is sent to the President for signature. It is very simple and American.

Unfortunately, it is also very unusual around this Congress, and now we are seeing more and more bills coming out of the committee, bypassing the Senate Chamber, and heading straight to a conference committee, which means that billions of dollars' worth of spending is never subject to debate or amendment. That means that Senators who don't serve on an appropriations subcommittee or the full Committee of Appropriations never get a chance to even speak on a bill, let alone change it.

The beauty of this institution, the most important deliberative body in our Nation, is that we are supposed to represent the people and speak to the issues involved in the bills and then come to some conclusion on their be-

half. That is what representative government is about. It is what democracy is about. Yet we have been thwarted time and time again.

This time around, we find that only 10 of the bills have seen floor action. The Commerce-Justice-State bill, the Treasury bill, general government bill, and the VA-HUD bill are all moving directly from committee to conference. If this process continues, we will see this year what we have seen in previous years: a bill that comes at the end of the session, called an omnibus bill, that tries to capture all of the unfinished business and a lot of other items that are extraneous and put them in one package. And then, as my friend Senator BYRD from West Virginia can attest, we are handed a bill literally thousands of pages long and told to read it, vote, and go home. A lot of us wonder if we are meeting our constitutional responsibility in so doing.

I asked the staff if they kept one of those bills from previous years so I could show it during the course of this debate, but one wasn't readily available. These bills, as Senator BYRD can tell you, are sometimes 2,000 pages long, and we are asked to look at them and evaluate them. That is hard to do under the best of circumstances and impossible to achieve when we have very little time to do it. The best I could find was the Yellow Pages of the District of Columbia. It is not a good rendition because it is only 1,400 pages long. There is about another 600 pages we can expect to receive in the omnibus bill handed to us at the end of the session. We will be told: “Take it or leave it. Don't you want to go home and campaign?”

I think that is an abrogation of our constitutional responsibility.

I believe that most of us—even those of us on the Appropriations Committee—believe we are duty bound to come before this Senate to address the issues contained in these appropriations bills, to debate them, as we are elected to do, to reach an agreement, hopefully on a bipartisan basis, and pass the bill on to the House for its consideration and to a conference committee.

There was a mayor of New York City named Fiorello La Guardia—a famous mayor—who, when there was a newspaper strike in his town, went on the radio and read the cartoons and the comics to the kids so they wouldn't miss them. But he said what I think is appropriate here: There is no Democratic or Republican way of cleaning the streets.

What he was saying, I believe, is that in many of the functions of government, we really do not need partisanship. In fact, there shouldn't be partisanship.

In this situation, Senator BYRD spoke eloquently today about the traditions

of the Senate—the idea of federalism, and the respect for small States and large States alike.

The fact is that this Chamber, unlike the one across the Rotunda, in which I was proud to serve for 14 years, gives every State an equal voice. But that is a fiction if in fact the legislation never comes to the floor so that Senators from every State can use their voice and express their point of view.

That, sadly, is what has been happening time and time again. Their appropriations work may be the most important part of our responsibility in Congress.

A few years go when Congress reached a terrible impasse, we actually closed down several agencies of Government for an extended period of time. There were some critics, radio commentators and the like, who said: Well, if they close down the Government, no one will ever notice.

They were wrong because, frankly, our phones were ringing off the hook. I can recall people calling my offices from Chicago and Springfield, IL, saying: How are we supposed to get our visas and passports to go overseas? How can we get these Federal agencies to respond? The Department of Agriculture was closed and the farmers needed to contact people about important decisions they had to make. In fact, closing down the Government is noticed, and people should take notice not only because important responsibilities of government are not being met but because Congress has not met its responsibility to make certain that we pass the appropriations bills that lead to the continuation of government responsibilities.

The people across America who elect us get up and go to work every morning knowing that if they stayed home and didn't do their job they wouldn't get paid. If they didn't get paid, they couldn't feed their families. We have to do our job. We have no less of a responsibility as Senators to stay here and work as long as it takes to accomplish these things.

The interesting thing, as you reflect on this session of Congress, is how little time we have spent in Washington on the Senate floor doing the people's business. This will be the shortest session of Congress we have had since 1956. Out of 108 days of session so far, we have had 34 days without a vote. If we continue at the current pace, it will take us nearly 2 full years to complete the remaining appropriations bills. That is a sad commentary.

Most of us who are elected to serve come to work and try to do our best. But if you look at this past year, you will find that we are only going to be in session 2 days longer than a Congress which was dubbed the "Do-Nothing Congress" back in the late 1940s. I think that is a sad commentary on our inability to face our responsibility.

Why do we find ourselves in this position? I think there are two major reasons. One is we are dealing with spending caps. These are limitations on spending which have been enacted into law which are there to make certain we don't fall back into red ink and into deficits. These spending caps are strings on the Federal Government's spending in appropriations bills. Some of them are reasonable and some of them are easy to live with. Some of them are very difficult to live with. Those of us on appropriations committees know that. As a member of the Budget Committee, I can attest to it as well.

The budget resolution, the architecture for all of our spending at the Federal level, was enacted by Congress—not by the President. He has no voice in that process. It was enacted by Congress. We try to live within the spending caps. Then we start to try to put together appropriations bills and quickly learn that in some areas there is just not enough money. Neither party wants to be blamed for breaking the spending caps early in the process.

We created unconscionable situations in previous years. One of the most important appropriations bills—the one for Labor, Health and Human Services and Education—was literally ravaged of its money. That money was taken and used in other appropriations bills. It was saved for the very last thing to be done. Knowing of its popularity across the country, many people on Capitol Hill felt that if we were going to bust the caps, we would do it for education, health care, and labor. It happened.

This year, as I understand, VA-HUD is one of those bills. What is more important than our obligation to our veterans? Men and women who served this country with dignity and honor were promised health care and veterans' programs. They rely on us to come up with the appropriations for that purpose and then find there is nothing in the appropriations bill to meet those needs.

Housing and urban development, an important appropriations bill that provides housing for literally millions of families across America, is similarly situated. We have ravaged the VA-HUD bill this year in an effort to try to make up for all of the other spending shortfalls in the other bills.

Everything stacks up as we come near the end of the year. Unlike many previous years, we haven't routed these bills through the Senate floor. So we have never been able to debate what the level of spending on the Senate floor should be for the Veterans' Administration, for the Treasury Department, and for a lot of agencies such as the Department of Justice and the State Department. That puts us at a disadvantage and creates the blockage that we find ourselves in today.

There are amendments as well in some of these bills that are extremely

controversial because most of the authorizing committees do not come up with their authorizing bills. Many Members of the Senate have said: I have good legislation. I have a good idea. I will put it on the spending bill. I know they have to pass the spending bill ultimately, so we will do that.

That introduces controversy in some of these spending bills, and as a result, we find ourselves bypassing the Senate floor in an effort to avoid a controversial vote.

I am forever reminded of a quote from the late Congressman from Oklahoma, Mike Synar, who was chiding his fellow Members of the House of Representatives because they did not want to cast controversial votes. The late Congressman Mike Synar used to say, "If you do not want to fight fires, do not be a firefighter." If you do not want to cast controversial votes, don't run for Congress. That is what this job is all about. You cast your votes for the people you represent with your conscience, and you go home and explain it. That is what democracies are all about.

Many of these appropriations bills have been kept away from the floor of the Senate so Members of the Senate who are up for reelection don't have to cast controversial votes. That has a lot to do with the mess we are in today.

Sadly, we have found that as to a lot of these amendments—some related to gun safety, for example, and some related to the treatment of gunmakers and how they can bid on contracts with the Government—because they were introduced in the appropriations bill, the bill was circumvented from the floor. They never got to the floor for fear Members would have to vote on them, and didn't want to face the music with the people who don't want gun control and with the National Rifle Association. They do not want to face reality. The reality is we have a responsibility to consider and vote on this important legislation.

Some have said we don't have time to do all of that. I have been here all week. I think we have been casting a grand total of about one vote a day. I think we are up to a little more than that.

There have been days in the House and Senate where we have cast dozens of votes. We can do that. We can limit debate, cast the votes, and get on with our business.

This week we have been consumed with the H-1B visa bill, a bill which would allow an increase in the number of temporary visas so people with technical skills can come into the United States. We spent a whole week on it.

We are going to go home in a few hours having achieved virtually nothing this week, except for the passage of this short-term spending bill that is pending at the moment. We will delay for another week the business of the Senate.

One has to wonder what will happen in the meantime. I think the President is right to insist that Congress stay and do its job. Some people have said: Why not leave the leaders of Congress here in Washington and let the Members go home and campaign? Let the leaders haggle back and forth as to what the spending bills should contain. I oppose that. I oppose it because I believe we all have a responsibility to stay and meet our obligation to the people of this country and to consider these spending bills. A few years ago, in major sports, there was a decision made about the same time, in basketball. I can recall that in high school when your team would get ahead, you would freeze the ball; you would try to run the clock. Players would dribble around and not get the ball in the hands of the opposition and hope the clock ran out. That used to happen at all levels of basketball. Finally, people said, that is a waste of time. People came to see folks playing basketball, not wasting time dribbling. So they put shot clocks in and said after every few seconds, if you don't take a shot, you lose the ball.

They did the same thing in football. They said we will basically speed this game up, too; we will make you play the game rather than delay the game.

I think we ought to consider, I say to Senator BYRD, the possibility of a vote clock in the Senate that says maybe once every 12 hours while we are in session the Senate is actually going to cast a vote. I know that is radical thinking, somewhat revolutionary. But if we had a vote clock, we wouldn't be dribbling away all of these opportunities to pass important spending bills. We wouldn't be running away from the agenda that most families think are important for them and the future of our country.

Look at all of the things we have failed to do this year. This is a Congress of missed opportunities and unfinished business. It is hard to believe we have been here for 115 days and have so little to show for it. When the people across America, and certainly those I represent in Illinois, talk to me about their priorities and things they really care about, it has little or nothing to do with our agenda on the floor of the Senate. They want to know what Congress is going to do about health care. They have kids who don't have health insurance. They themselves may not have health insurance. They wonder what we will do about a prescription drug benefit. We had a lot of speeches on it. We just don't seem to have reached the point where we can pass a bill into law. Sadly, that says this institution is not producing as people expect Congress to produce.

With a vote clock running on the Senate floor and Members having to cast a vote at least once every 12 hours while in session, maybe we will address

these things. Maybe people won't be so fearful of the prospect of actually casting a vote on the floor of the Senate.

Patients' Bill of Rights is another example. People in my home State of Illinois and my hometown of Springfield come to me and tell me horror stories about the insurance companies and the problems they are having with medical care for their families; serious situations where doctors are prescribing certain medications, surgeries, certain hospitalizations, and there will be some person working for an insurance company 100 miles away or more denying coverage, time and time again, saying: You cannot expect to have that sort of treatment even if your doctor wants it.

Many of us believe there should be a Patients' Bill of Rights which defines the rights of all Americans and their families when it comes to health insurance. I believe and I bet most people do, as well. Doctors and medical professionals should make these judgments, not people who are guided by some bottom line of profit and loss but people who are guided by the bottom line of helping people to maintain their health.

We can't pass a Patients' Bill of Rights. The insurance companies, which are making a lot of money today off of these families, just don't want Congress to enact that law. So they have stopped us from passing meaningful legislation.

Another thing we want to do is if the insurance company makes the wrong decision, and you are hurt by it, or some member of your family dies as a result of it, you have a right to sue them for their negligence. Every person, every family, every business in America is subject to a lawsuit, litigation, being held accountable in court for their negligence and wrongdoing—except health insurance companies. We have decided health insurance companies, unlike any other business in America, will not be held accountable for their wrongdoing.

With impunity, they make decisions denying coverage. I think that is wrong. I think they should be held to the same standard every other business in America is held to; that is, if they do something to hurt a person because of their negligence or intentional wrongdoing, they should be held accountable. That is part of our law, the ones that we support on this side of the aisle.

One can imagine that the health insurance companies hate that idea just as the devil hates holy water. They don't want to see that sort of thing ever happen. So they have stopped us from passing the bill. It is another thing we have failed to do in this Congress—a Patients' Bill of Rights.

On prescription drug benefits, to think that we would finally take Medicare, created in 1965, and modernize it

so that the elderly and disabled would have access to affordable prescription drugs is not radical thinking. I daresay in every corner of my State, whether a person is liberal, conservative, or independent, they understand this one. People, through no fault of their own, find they need medications that they cannot afford. So they make hard choices. Sometimes they don't take the pill and sometimes they bust them in half, and sometimes they can afford them at a cost of the necessities of life. Shouldn't we change that? Shouldn't we come to an agreement to create a universal, voluntary, prescription drug plan under Medicare? But unless something revolutionary occurs in the next few days, we are going to leave Washington without even addressing the prescription drug issue under Medicare.

Another question is a minimum wage increase. It has been over 2 years now we have held people at \$5.15 an hour. Somewhere between 10 and 12 million workers in America are stuck at \$5.15 an hour. In my home State of Illinois, over 400,000 people got up this morning and went to work for \$5.15 an hour. Quickly calculate that in your mind, and ask yourself, could you survive on \$11,000 or \$12,000 a year? I know I couldn't. I certainly couldn't do it if I were a single parent trying to raise a child. And the substantial number of these minimum wage workers are in that predicament. They are women who were once on welfare and now trying to get back to work. They are stuck at \$5.15 an hour.

We used to increase that on a regular basis. We said, of course, the cost of living went up; the minimum wage ought to go up, too. Then it became partisan about 15 years ago, and ever since we have had the fight, year in and year out. We may leave this year without ever addressing an increase in minimum wage for 12 million people across America in these important jobs—not just maintaining our restaurants and hotels but also maintaining our day-care centers and our nursing homes. These important people who cannot afford the high-paid lobbyists that roam the Halls of Congress are going to find that this Congress was totally unresponsive to their needs.

Issues go on and on, things that this Congress could have addressed and didn't address. Sadly enough, we are not only failing to address the important issues, we are not doing our basic business. We are not passing the spending bills that we are supposed to pass. As Senator BYRD said earlier, we are derelict in our responsibilities under the Constitution. We have failed to respond to the American people when they have asked us to do our job and do our duty.

I hope that before we leave in this session of Congress, we will resolve to never find ourselves in this predicament again; that we are never going to

find ourselves having missed so many opportunities that the people of this country have to wonder why we have not accepted our responsibility in a more forthcoming way.

I don't know if next year I will be making the proposal on the Senate floor. I have to talk to Senator BYRD. It is kind of a radical idea of installing a vote clock that will run and force a vote every 12 hours around here so we can get something done. But it worked for the National Football League. It worked for the National Basketball Association.

And Senator BYRD, I know you can't find it in that Constitution in your pocket, but maybe that is what it will take to finally get this Senate to get down to work on the business about which people really care.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mr. BYRD. Mr. President, let me comment on a couple of things that the distinguished Senator from Illinois just said.

The Senator from Illinois served in the other body and he served on the Appropriations Committee. He comes to this body bringing great talent, one of the most talented Members that I have ever seen in this body. He brings great talent to this chamber. He can speak on any subject. He is similar to Mr. DORGAN, and can speak on any subject at the drop of a hat. He is very articulate, he is smart, and I am proud to have him as a fellow Member.

Now, he mentioned a change that was made in basketball. I wish that they would make another change in basketball. When I talk about "basketball" that is a subject concerning which I know almost nothing. But I have watched a few basketball games. I can remember how they played them when I was in high school, which was a long time ago. But it really irritates me to see basketball players run down the court with that ball and jump up and hang on the hoop and just drop the ball through the basket. If I were 7 feet tall, I could drop the ball through the basket, even at age 83. If I were that tall, and I did not have to shoot from the floor to make that basket, I could do it, too. I wonder why they don't get back to the old way of requiring players to shoot from the floor. In the days when I was in high school, players had to shoot from the floor. They weren't 7-foot tall. A 6 foot 2 center in my high school was a tall boy.

But, anyhow, so much for basketball.

The distinguished Senator has talked about how we have plenty of time to do our work. The first year I came to the House of Representatives, in 1953, we adjourned sine die on August 3; 2 years later, we adjourned sine die on August

2; the next year, we adjourned sine die on July 27. We did our work. We did not have the breaks we have now. Easter? We might have been out Friday, Saturday, and Sunday. We didn't have the breaks then, but we passed the appropriations bills.

We didn't do any short-circuiting, and the Appropriations Committees of both Houses acted on a much higher percentage of the total moneys that were spent by the Federal Government. I think there was a time when the Appropriations Committees passed on 90 percent of the moneys that the Federal Government spent. Today, we probably act on less than a third of the total moneys spent. So don't tell me that we can't get this work done. We used to do it. We can do it again.

Now while I am talking about the Senator from Illinois being a new Member—relatively new in this body—he comes well equipped to this body. I have been calling attention to the fact that 59 percent—59 Senators—have come to the Senate since I walked away from the majority leader's job. I mentioned Lyndon Johnson as a majority leader; I mentioned Mike Mansfield as a majority leader; I mentioned ROBERT C. BYRD as a majority leader. I should not overlook the stellar performances of Howard Baker, a Republican majority leader; or Robert Dole, a Republican majority leader. We hewed the line when it came to the Senate rules and precedents. They honored those rules and precedents. We didn't have any shortcutting, any short-circuiting of appropriations bills, like going direct to conference and avoiding action on this floor. I want to mention those two Republican leaders because they were also in my time.

Mr. President, 27 of the 50 States are especially fortunate this year. They have Senators on the Senate Appropriations Committee. These lucky 27 states, containing a total estimated 147,644,636 individuals as of July 1999, account for over half of our population of 272,171,813. However, 23 of these United States—and I have them listed on a chart here. I have them listed as the 25 have-nots—23 of these States are in a different situation. They have no direct representation on the Senate Appropriations Committee. Due to the rather unique situation in which we find ourselves this year, three appropriations bills—bills which fund roughly 100 agencies and departments of the Federal Government—may never be considered on the Senate floor. If that is the case, some 125 million Americans who happen to live in those 23 States will have no direct input regarding the decisions of the Senate committee that directly controls the discretionary budget of the United States. The countless decisions on funding and policies in those three bills will not have been presented on the Senate floor in a form that allows the elected

Senators from those 23 States to debate and amend those 3 appropriations bills; namely, the FY2001 Commerce/Justice/State, Treasury-Postal, and VA-HUD bills.

This is not the fault of the Appropriations Committee. I cannot and I will not blame Senator STEVENS, the very capable Chairman of the Appropriations Committee, whom I know wants to shepherd each bill through his committee to the floor, and through the conference committee process in the appropriate manner. His efforts have been hamstrung because of a budget process that sets an unrealistically low level of funding, a level of funding that could not possibly address in any adequate way the demands placed upon it by the administration or by the Senate, and because the Senate has not taken up many important pieces of authorization and policy legislation this year.

I have nothing but praise for Senator TED STEVENS. I have seen many chairmen of the Appropriations Committee of the Senate. I have been on that Senate Appropriations Committee 42 years—longer, now, than any other Senator in history on that Appropriations Committee. I have seen many chairmen. I have never seen one better than Senator TED STEVENS.

Additionally, cloture has been filed too quickly on many bills, in order to further limit amendment opportunities. Appropriations bills have, as a result, become an even stronger magnet for controversial amendments than usual. That always complicates the process. Further, the administration has not waited until the Senate has finished its business before issuing veiled or blatant veto threats in an attempt to influence the appropriations process. So, I am very sympathetic to the situation in which my good friend, Senator STEVENS, now finds himself.

Whatever the reasons, however, these 23 have-not states will be deprived of their right to debate and amend these bills through their elected Senators if we wrap these remaining bills into House/Senate conference reports without first taking them up on the Senate floor. They will get only a yea or nay vote on an entire appropriations conference report. There will be no chance to debate or amend the contents of those bills. The 15 million people in Florida—up or down votes, with no amendments. The 11 million people in Ohio—up or down votes on conference reports, with no amendments. The 479,000 people in Wyoming—up or down votes is all they will get, with no amendments. The same goes for the residents of Virginia, Georgia, Louisiana, Michigan, Oklahoma, Minnesota, Nebraska, and Maine.

Those citizens should also be upset. So should the residents of Connecticut, Delaware, Indiana, Kansas, Massachusetts, North Carolina, Oregon, Rhode

Island, South Dakota, and Tennessee. Those folks will have no input into hundreds of thousands of spending decisions. They will summarily be told to take that conference report without any amendments; take it; vote up or down, take it or leave it.

I heard a Member of this Senate yesterday—I believe it was yesterday—decry the President's threat to veto an appropriations bill if something called the Latino and Immigrant Fairness Act was not passed. That Senator said yesterday that a President who would make such threats was acting like a king. I agree. That threat was outrageous. If that threat was made, it was outrageous. It should not have been made. Further, I agree with that Senator's feeling about the piece of legislation which caused the White House threat. I voted against suspending the rule that would have made it possible to consider it. But when it comes to this President, or any President, Democrat or Republican acting like a king, let me say that we in this body are the ultimate check on that assumption of the scepter and crown that all Presidents would like to make.

When we in the Congress invite the President's men to sit at the table—essentially that is what we do when we delay these appropriations bills until the very last and have to act upon them with our backs to the wall and facing an almost immediate sine die adjournment, we in effect invite the administration's people to sit at the table and be part of the decisions involving the power over the purse; yes, that power which is constitutionally reserved for the House and the Senate. When we do that and then deny the full Senate the right to debate and amend those spending bills, we are aiding and abetting that kingly demeanor.

When we hand over a seat at the table to the White House and lock out the full Senate, not just these 23 States, but lock out the full Senate on spending bills, we are, in truth, giving a President much more power than the framers ever intended.

We are charged in this body with staying the hand of an overreaching Executive. Instead, it sometimes seems as if we are polishing the chrome on the royal chariot and stacking it full of congressional prerogatives for a fast trip to the other end of Pennsylvania Avenue.

This year, one appropriations bill providing funding for the Departments of Commerce, Justice, and State has been in limbo—limbo. I believe that Dante referred to limbo as the first circle of hell. Anyhow, this bill has been in limbo for more than 2 months in order to avoid controversial subjects coming up for debate and amendment. So that bill has been a sort of Wen Ho Lee of the Appropriations Committee. It has been in isolation—incommunicado, stowed away in limbo, out of

sight, out of mind. But there it is on the calendar. It has been there for weeks. Controversial? Yes. Some amendments might be offered. But why not? That is the process. We should call it up and have those amendments and have a vote on them. Let's vote on them.

I have cast 15,876 votes in 42 years in this Senate. That is an attendance record of 98.7 percent. That may sound like bragging, but Dizzy Dean said it was all right to brag if you have done it. So I have a 98.7 percent voting attendance. I have never dodged a controversial vote, and I am still here and running again. And if it is the Good Lord's will and the will of the people of West Virginia, I will be around here when the new Congress begins.

I have cast controversial votes. What is wrong with that? That is why we come here.

Two other appropriations bills—DC and VA-HUD—were not even marked up by the committee until the second full week of September. There was not enough money to make the VA-HUD bill even minimally acceptable. But having been marked up and reported from the committee, was it called up on the Senate floor for consideration? No, it was not. It was just wrapped in dark glasses and a low-slung hat, surrounded with security and rushed straight into conference as if it contained secrets for the eyes of the Appropriations Committee only. The plan apparently is to insert the entire VA-HUD bill into the conference agreement on another appropriations bill without bringing it before the Senate. I still am hopeful that a way can be found to bring up that bill, as well as the Treasury Postal and Commerce Justice bills to the Senate floor.

I know that some of my colleagues may argue that every Senator has a chance to make his or her requests known to the chairman and ranking member of each appropriations subcommittee, and in that way get their issues addressed in the bill even if it does not see action on the Senate floor. I certainly know that is true. I receive thousands of requests each year to each subcommittee, as well as the requests made while those bills are in conference. However, if a Member's request is not addressed in a bill and that bill does not see debate on the floor, that Member has no opportunity to take his or her amendment to the full Senate and get a vote on it. He has no way to test the decisions of the committee to see if a majority of the full Senate will support his amendment.

Additionally, when an appropriations bill is not debated by the full Senate, Senators who are not on the committee do not have the opportunity to strip objectionable items out of the bill. They do not have the ability to seek changes, perhaps very useful changes, to provisions in the bill that might

hurt their States. They do not have a voice on the many policy decisions contained in appropriations bills.

The Appropriations Committee staff is a good one. The Members and the clerks are fair, and they try to do a good job. For the most part, they succeed and succeed admirably, and I am very proud of them. But we are all human. Sometimes we do not always see the unintended consequences of this or that provision, or we simply make a drafting error that could hurt one or more States or groups of people. The fresh eyes and different perspectives of our fellow Senators who are not on the Appropriations Committee, however, have caught such errors in the past and will, I am sure, do so again. But when those Members only get to vote on a conference report that is unamendable, their judgment is eliminated. That is not a sensible way to legislate. I think it is a sloppy way to legislate. I know that my distinguished chairman, Senator STEVENS, does not want to legislate in this manner. He is not afraid of any debate or any controversial amendments. TED STEVENS is not afraid of anything on God's green Earth that I know of. He has done a yeoman's job in trying to find sufficient funding within the budget system to move his bills, and I commend him for it.

I sincerely hope that we can all come together to find a way to help my chairman. The full Senate must do its duty on appropriations bills this year. We owe that to the Nation. We owe it to this institution in which we all serve.

Mr. President, the Senate is preparing to act on a short-term continuing resolution, which will give the Senate an additional week to take up and debate appropriations bills, if we so choose. We can get a lot done in 7 days if we all put our shoulders to the wheel to heave this bulky omnibus, or these bulky minibuses, out of the mud. The Senate is surely not on a par with the Creator. We cannot pull Heaven and Earth, and all the creatures under the Sun out of the void before we rest. But with His help and His blessings, we surely can complete work on the remaining appropriations bills before we adjourn.

The Legislative Branch and Treasury/General Government appropriations conference report was defeated by the Senate on September 20. Some may have seen this as a defeat. But, in fact, that was no defeat. It was a victory for the institution of the Senate, for the Constitution and its framers, and for the Nation. I think the defeat of that conference report in large measure can be laid at the door of this strategy, which emanates from somewhere here, of avoiding floor debate on appropriations bills. I am glad that many of my colleagues objected to being asked to vote on a nondebateable conference report containing a bill—now, get this—

containing a bill, in this instance the appropriations bill for the Department of the Treasury and for general Government purposes, that they have not had a chance to understand, to debate, to amend, or to influence. The Senate was designed to be a check on the House of Representatives. Moreover, the Senate was designed to even out the advantages that more populous States enjoy in the House, and to give small or rural States an even playing field in all matters, including appropriations.

This vote on the legislative branch, Treasury, and general government minibus—minibus—appropriations bill is a setback, as far as time goes, but, I still believe that we can rally, and complete our work in a manner that will allow us to leave with our heads held high, rather than with our tail between our legs. We can finish our work. The people expect it. We ought to do it.

In fact, in keeping with the rather screwball approach that we have been taking on appropriations matters this year, much of the conferencing on these bills has been taking place, even before the bills have been debated on the floor.

Surely we can build on this base, and still allow the Senate to work its will on the more contentious elements of these bills. It is our job to resolve these problems. We get paid to do it. We get paid well to do it. It may be true that we could get higher pay somewhere else—as a basketball player or as a TV anchor person or in some other job—but we get paid well for the job we do.

We are all familiar with these issues. We know the needs of our individual States. We need to have that debate about these issues, and we need to engage the brains of 100 members of this body to get the very best results. I would far rather—far rather—see this process take place, and send good bills to the President to sign or veto, than to see Senators simply abdicating our constitutional role in formulating the funding priorities for our Nation. The bad taste of recent years' goulash of appropriations, tax, and legislative vehicles all sloshed together in a single omnibus pot has not yet left my mouth. That is the easy way, but it is the wrong way. I didn't want a second or third helping, much less a fourth. It is loaded with empty calories, and full of carcinogens. Moreover, we are poisoning the institutional role of the U.S. Senate, rendering it weaker and weaker in influence and in usefulness. We are slowly eroding the Senate's ability to inform and to represent the people, and sacrificing its wisdom—the wisdom of the Senate—and its unique place in our Republic on the cold altar of ambition and expediency. All it takes is our will to see what we are doing and turn away from the course that we are on. I urge Senators to come together and do our work for our country.

I thank all Senators who have spoken on this subject today.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BYRD. Twelve minutes?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the Chair.

I yield the floor.

Mr. MOYNIHAN. Mr. President, will the revered Senator, who I like to think of as the President pro tempore, yield 5 minutes to this Senator?

Mr. BYRD. I yield 5 minutes—I yield all my remaining time to the Senator.

Mr. MOYNIHAN. Sir, I would like to speak to the matter that the Senator from West Virginia has addressed from the perspective of the Finance Committee. I think the Senator will agree that most of the budget of the Federal Government goes through the Finance Committee in terms of tax provisions, Social Security, Medicare, Medicaid, the interest on the public debt, which is a very large sum, which we do not debate much because we have to pay it.

The two committees—Finance and Appropriations—were formed at about the same time in our history and have had the preeminent quality that comes with the power of the purse, that primal understanding of the founders that this is where the responsibilities of government lie—to lay and collect taxes; to do so through tariffs, to do so through direct taxation.

We had an income tax briefly in the Civil War, but there was the judgment that we ought to amend the Constitution to provide for it directly.

Sir, I came to this body 24 years ago. I have learned that, as I shall retire in January—and, God willing, I will live until then—there will only have been 120 Senators in our history who served more terms. So they claim a certain experience.

I obtained a seat on the Finance Committee with that wondrous Senator from Rhode Island. We were in the same class, Senator Chafee and Senator Danforth and I. I obtained a seat as a first-time Senator, through the instrumentality of the new majority leader. I avow that. I acknowledge it. I am proud of it. I will take that with me from the Senate as few others.

I underwent an apprenticeship at the feet, if you will, of Russell Long, the then-chairman, who, for all his capacity for merriment, was a very strict observer of the procedures of this body and the prerogatives of the Finance Committee.

We brought bills to the floor. They were debated. They were debated at times until 4 in the morning. I can remember then-Majority Leader BYRD waking me up on a couch out in the Cloakroom to say, "Your amendment is up, PAT," and my coming in, finding a benumbed body. The vote was aye, nay. It wasn't clear. It was the first

time and the last in my life I asked for a division. And we stood up, and you could count bodies, but you could not hear voices.

Then we would go to conference with the House side. The conferees would be appointed. Each side would have conferees, each party. They each would have a say. We would sit at a table—sometimes very long times, but in time—and we would bring back a conference report and say: Here it is. And if anyone would like to know more about it, there are seven of us in this room who did the final negotiations with the House. It is all there. It is comprehensible. And it is following the procedures of the body.

I stayed on the committee, sir. This went on under Senator Dole as chairman; Senator Bentsen as chairman. I would like to think it went on during the brief 2 years that I was chairman.

In the 6 years since that time, I have seen that procedure collapse. In our committee, we have a very fine chairman. No one holds Senator ROTH in higher regard than I do. I think my friend recognized this when he saw the two of us stand here for 3 weeks on the floor to pass the legislation which he did not approve. Senator BYRD did not approve of permanent normal trade relations, but when it was all over, he had the graciousness as ever to say he did approve of the way we went about it. Every amendment was offered. Cloture was never invoked. And in the end, we had a vote, and the Senate worked its will.

Now, in the last several days in the Finance Committee, we have been working on major legislation, legislation for rebuilding American communities, which is based on an agreement reached between the President and the Speaker of the House that this is legislation we ought to have, which is fine. The President should have every opportunity to reach some agreement with the leadership over here and say: Let us have this legislation. You send it to me; I will sign it. But you send it to me; I won't write it. I might send you a draft.

We were not even contemplating bringing the bill to the floor, passing it, going to conference. It is just assumed that can't happen. And indeed, in the end, we could not even get it out of committee. So the chairman and I will introduce a bill and a rule XIV will have it held here at the desk so it is around when those mysterious powers sit down to decide what our national budget will be.

You spoke of something difficult to speak to but necessary in this body, which is our relations with the Executive, which increasingly have found themselves not just with a place at the table, as you have so gentlemanly put it, but a commanding, decisive role in the legislative process.

Sir, I can report—and I don't have to face constituents any longer, so I

might just as well—I can recall around 11 o'clock one evening on the House side in the Speaker's conference room—that particular Speaker had a glass case with the head of an enormous Tyrannosaurus rex in it, a great dinosaur—and tax matters were being taken up. There were representatives of the White House, representatives of the majority leadership in the House, the leadership in the Senate. I didn't really recognize any committee members, just leadership. And I arrived in the innocent judgment of something in which I wouldn't have a large part, but I would be expected to sign the papers, the conference papers the conferees sign, a ritual we all take great pleasure in because it means it is over.

Sir, I was asked to leave the room. I was asked to leave the room. There as a Member of the Senate minority, the ranking member of the committee, that decision was not going to have anything to do with the Finance Committee or much less the Democrats. It would be a White House and a congressional leadership meeting.

In 24 years, nothing like that had ever happened. I don't believe, sir, it ever happened. I can't imagine how we came to this. I do know how, from the point of view of our party—the calamitous elections of 1994, when we lost our majorities in both bodies.

So I would say, I do not believe in the two centuries we have been here—and we are the oldest constitutional government in history, but we have seen our constitutional procedures degrade. We have seen practices not ever before having taken place, nor contemplated. They are not the way this Republic was intended. They are subversive of the principles of our Constitution, the separation of power.

The separation of powers is the first principle of American constitutional government. We would not have a King or a King in Parliament. We would have an elected President, an elected Congress and an independent judiciary. When the White House is in the room drafting the bill that becomes the law, the separation of power has been violated in a way we should not accept.

Mr. STEVENS. Will the Senator yield for one moment?

Mr. MOYNIHAN. I yield the floor.

Mr. STEVENS. Mr. President, I apologize.

Mr. MOYNIHAN. I yield the floor to my distinguished friend, the chairman of the Appropriations Committee.

Mr. STEVENS. Mr. President, I wish to state that if there is no objection, the vote on the continuing resolution would occur at 4:15. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. And that rule XII be waived.

Mr. STEVENS. Yes.

Mr. REID. Reserving the right to object, I ask permission for up to 5 minutes during that period of time.

Mr. STEVENS. I am pleased to yield to my friend 5 minutes of the time I have between now and 4:15.

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

Mr. BYRD. Mr. President, might the very distinguished and able Senator from New York have just 2 or 3 minutes to finish his statement?

Mr. STEVENS. I am pleased to yield to the Senator from New York 3 minutes.

Mr. MOYNIHAN. I thank the Senator from Alaska, my friend of all these years. Just to conclude my thought, which is that the separation of powers is what distinguishes American government. We brought it into being. It did not exist in any previous democratic regimes, the various Grecian cities, the Roman era had a legislature period. There was no executive authority. What Madison once referred to as the fugitive existence of the ancient republics was largely because they had no executive authority to carry out the decisions of the legislature. The legislature was left to be the executive as well. It didn't work.

We have worked. There are two countries on Earth, sir, that both existed in 1800 and have not had their form of government changed by violence since 1800: the United States and the United Kingdom. There are seven, sir, that both existed in 1900 and have not had their form of government changed by violence since. Many of the British dominions were not technically independent nations.

The separation of powers is the very essence of our system. We have seen it evanesce before us. I say evanesce because—the misty clouds over San Clemente, noise rising from the sea—because I was not in that room after I was asked to leave, nor was there any journalist, nor were there any of our fine stenographers. No one was there save a group of self-selected people. They weren't selected for that role. They should not have been playing it. This has gone on too long, and it ought to stop.

With that, sir, I thank my friend from Alaska and I yield the floor.

Mr. BYRD. Mr. President, I revere the Senator from New York. He came to the Senate in 1977. He went on the committee. What he has just said astonishes me—that he was asked to leave the room in this Republic—“a republic, Madam, if you can keep it.”

Mr. MOYNIHAN. Said Benjamin Franklin, yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I consider myself very fortunate today. Except for going to a conference here and there, and a few other things that had me go off the floor, I have had the opportunity to listen to almost everything that went on today, either from my seat in the Senate Chamber or in the Cloakroom. How fortunate I am.

The Senator from West Virginia is to be commended for initiating this debate on what American Government is all about. When the history books are written, people will review what took place during this debate, the high level of debate and the exchange between the Senator from New York and the Senator from West Virginia, both with years of wisdom, years of knowledge, and years of experience. People will look back at this consideration in the textbooks.

I stepped out to go over to the Senator's Interior Appropriations Subcommittee. The administration was there complaining about report language as to what the intent of the Congress was. It is hard for me to fathom they could do that. I don't want to embarrass anybody from the administration, but I spoke to two people from the administration. I said: What in the world are you trying to do? Are you trying to tell this subcommittee, this legislative entity, what our intent is? That is our responsibility as legislators, not this administration's responsibility. We have report language in bills so that people can look and find out what our intent is.

Mr. BYRD. So that the courts can also.

Mr. REID. The courts, or anybody else. If the administration doesn't like what we do, they can take it to court, and that report language will give that court an idea as to what we meant. I say to Senator BYRD and Senator MOYNIHAN, words cannot express how I feel.

As people have heard me say on the floor before, I am from Searchlight, NV. My father never graduated from eighth grade and my mother never graduated from high school. To be in the Senate of the United States and to work with Senator MOYNIHAN and Senator BYRD is an honor. It is beyond my ability to express enough my appreciation for this discussion that has taken place today. I hope it will create some sense in this body—maybe not for this Congress but hopefully for the next one—that we will be able to legislate as we are supposed to do it. I express my appreciation to both Senators.

Mr. BYRD. I thank the distinguished Senator.

Mr. MOYNIHAN. I thank my friend.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes remaining.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized for up to 20 minutes and that Senator SESSIONS be recognized for up to 15 minutes following the two rollcalls that will soon take place.

Mr. REID. Mr. President, I didn't hear that request.

Mr. STEVENS. I am going to yield back the time I had so we can vote earlier. I agreed to yield time to two colleagues, to be used after the votes take place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, having been a Senator who served in the minority, in the majority, and then in the minority, and again in the majority, I understand the discussion that has taken place here today full well. I have been a member of the Appropriations Committee for many years—not nearly as long as the Senator from West Virginia but for a long enough time to know that the appropriations process has to fit into the calendar as adjusted by the leadership.

We have done our best to do that this year. It does inconvenience many Senators whenever the appropriations process is shortened. I believe in full and long deliberation on appropriations bills. Mainly, I believe in bringing to the floor bills that have such uniform support on both sides of the aisle that there really isn't much to debate.

I think if the Members of the Senate will go back and look at the Defense Appropriations Committee bills since I became chairman, or when Senator INOUE became chairman, we have followed that principle. Unfortunately, issues develop that are not bipartisan on many bills and they lead to long delays. In addition, the closer we get to an election period, the longer people want to talk or offer amendments that have been voted on again and again and again.

We have had a process here of trying to accommodate the time that has been consumed on major issues, such as the Patients' Bill of Rights and the PNTR resolution dealing with China, which took a considerable time out of our legislative process. We find ourselves sometimes on Thursday with cloture motions that have to be voted on the following Monday, and then we make it Tuesday and we lose a weekend. We have adjusted to the demands of many Senators.

I believe the Senator from West Virginia would agree that we have tried very hard in the Appropriations Committee to get our work done. Most of our bills were out of committee before we left for the recess in July. As a matter of fact, we had our two major bills, from the point of view of Defense—military construction and the Department of Defense appropriations bill—approved in really record time.

Mr. REID. Will my friend yield for a brief comment?

Mr. STEVENS. Yes.

Mr. REID. I want to make sure that any comments I have made do not reflect on the Senator from Alaska. I can't imagine anyone being more involved in trying to move the legisla-

tion forward than the Senator from Alaska. So none of the blame that is to go around here goes to the Senator from Alaska, as far as I am concerned.

Mr. STEVENS. I thank the Senator. I wasn't inferring that I received any comments or concern on my activity or the committee's, per se. I believe the process of the Senate, however, is one that involves the leadership adjusting to the demands of the Senate and to the demands of the times. A political year is an extremely difficult time for the leadership. Senator BYRD had leadership in several elections, and I had the same role as the Senator from Nevada—the whip—during one critical election period during which the leader decided to be a candidate and was gone. So I was acting leader during those days. I know the strains that exist.

I want to say this. I believe that good will in the Senate now is needed to finish our job. The American people want us to do our job. Our job is to finish these 13 bills that finance the standing agencies of the Federal Government and to do so as quickly as possible. Because of the holiday that starts in a few minutes for some of our colleagues, we will not meet tomorrow, and we cannot meet Saturday. So we will come back in Monday, and that will give us another 7 days to work on our bills.

The House has now passed the energy and water bill. We will file the Transportation and Interior bills—I understand those conferences are just about finished now—on Monday. We are working toward completion by the end of this continuing resolution. But let's not fool ourselves. If we got all these bills passed by next Friday, there would still have to be a continuing resolution because the President has a constitutional period within which to review the bills. He has 10 days to review them, not counting Sunday; so we are going to be in session yet for a considerable period of time—those of us involved in appropriations.

I urge the Senate to remember that circumstances can change. We could be in the minority next year, God forbid, and the leadership on the other side could be trying to move bills. And if the minority taught us some lessons about how to delay, I think we are fast learners. We have to remember that what comes around will go around. It is comity that keeps this place moving and doing its job.

I think all of us have studied under and learned from the distinguished Senator from West Virginia. He has certainly been a mentor to people on both sides of the aisle. He has taught us everything there is to know about the rules and how to use them. He has never abused them. I don't take the criticism that he has made other than to be of a process that we now find ourselves involved in. Our job is to work our way out of this dilemma. I hope we can. I hope we can do it in good grace

and satisfy the needs of our President as he finishes his term. We have been working very hard at that since we came back from the August recess.

In my judgment, from the conversations I have had with Jack Lew, the Director of the Office of Management and Budget, there is a recognition of the tensions of the time and a willingness to try to accommodate the conflicting needs of the two major parties in an election year. That is what we are trying to do.

I hope we will vote to adopt this continuing resolution and that Members will enjoy the holiday that is given to us by our Jewish colleagues. We will come back Monday ready to work.

I fully intend to do everything I can to get every bill we have to the President by a week from tomorrow. That may not be possible, but that is our goal, and I expect to have the help of every Senator who wants to see us do our constitutional duty, and that is to pass these bills.

Does the Senator wish any further time?

Mr. REID. If the Senator will yield, I ask unanimous consent that following the two Republican Senators there be allowed to speak in morning business: Senator FEINGOLD for 30 minutes and Senator MIKULSKI for 35 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am compelled to object because I want to state to the Senator that I took our time and allotted it after—

Mr. REID. I said after the Republican speakers.

Mr. STEVENS. I don't know what the leader intends to do after that time. I have no indication that he wishes to object, but I don't know. In a very short time our Jewish friends must be home before sundown. I don't think there is going to be objection, but I am not at liberty to say.

Mr. REID. Senator FEINGOLD, of course, is Jewish and he would handle that on his own. Anyway, fine. I think it is sundown tomorrow, anyway.

Mr. STEVENS. I thought it was sundown tonight.

Mr. REID. No. Some people just want to leave to get ready for sundown tomorrow.

Mr. STEVENS. I don't see any reason to object.

Mr. REID. If the leader has something else he wants to do, of course that will take precedence. But before we leave tonight, they would like to have the opportunity to speak.

Mr. STEVENS. I am compelled to say this: Under the practice we have been in so far, the Senator's side of the aisle has consumed 6 hours today, and we have consumed about 40 minutes, at the most. There is a process of sort of equalizing this time. I would be pleased to take into account anyone who has to leave town, but can we do that after

this time? I promise the Senator I will help work this out.

Mr. REID. We will talk after the first vote. I will renew the request after the first vote.

Mrs. MURRAY. Mr. President, I've come to the floor to join my colleagues in discussing where our annual budgeting process stands.

We are just three days away from the start of the new fiscal year, and the Senate is far behind in its work. The resulting rush is leading some to short-circuit our usual appropriations process. Like so many of my colleagues, I am dismayed that Senators are being denied the opportunity to fully consider and debate these appropriations bills.

I want to commend Senator BYRD for his comments today. Senator BYRD is once again speaking for the United States Senate. His comments are neither Republican nor Democrat. With his usual elegance and candor, Senator BYRD is championing this institution, and we should all commend him for that. The Senate that he defends so passionately is one that works for both parties; works for all Senators; and most importantly, works for the American people.

Time and again during my eight years of service in this body, I have made the walk from my office to this floor. And each time, I bring with me a certain excitement and anticipation for the great opportunity the people of Washington state have given me to represent them as we debate issues from education to foreign policy to health care.

Unfortunately, there have been very few opportunities to come to this floor and engage in meaningful debate. Too often, the majority has sought to either stifle or deny debate on the issues Americans care about. On the rare occasions when we have had debates, they have not resulted in meaningful legislation that has a chance of being signed into law.

For example, the Senate spent several weeks debating the Elementary and Secondary Education act. We debated the issues, and we cast tough votes on the ESEA bill. But, for some reason, the bill was shelved by the majority. Now it looks certain to die as the Congress tries to adjourn quickly in this election year.

As we watch the clock tick toward the end of the fiscal year this weekend, only two of the 13 appropriations bills have been signed into law. We now find ourselves in an unnecessary impasse. The breakdown in this year's appropriations process did not happen overnight. It is not merely the result of election eve politicking, or jockeying for position between the Executive and Legislative branches, although there are plenty of both going on.

No, the breakdown of the fiscal year 2001 appropriations process can be

traced back to the opening days of this session of Congress in January. Back then, the House and Senate leadership promptly fell into disarray over the handling of the President's request for a supplemental spending bill. You may recall that the President requested \$5 billion in supplemental fiscal year 2000 funding. The House subsequently passed a \$12.8 billion supplemental funding bill—more than twice what the President had requested. The Senate Appropriations Committee, at the behest of the Senate Majority Leader, shelved plans to draw up a separate supplemental funding bill. Instead, the Senate attached a total of \$8.6 billion in supplemental funding onto three regular appropriations bills—Military Construction, Foreign Operations, and Agriculture appropriations. The Majority Leader's plan was to have all three bills enacted into law by the Fourth of July holiday. Needless to say, things did not quite go as planned.

Despite weeks of congressional wrangling, the three bills in the Senate could not be reconciled with the one bill in the House. Finally—in desperation—the House and Senate ended up jamming \$11.2 billion in supplemental funding into the conference on the FY 2001 Military Construction Appropriations Bill. Much of that funding had never seen the light of day in either the House or Senate. The conference report was approved on June 30, and became the first of the FY 2001 appropriations bill signed into law. With the exception of the swift and relatively smooth passage of the Defense Appropriations Bill a month later, the FY 2001 appropriations process has gone from bad to worse. We now find ourselves in the intolerable position of having 11 of the 13 appropriations bills still pending—with two days to go before the end of the fiscal year, and no clear game plan in sight. The House has passed all of the regular appropriations bills. And the Senate Appropriations Committee—on which I serve—has reported all 13 regular appropriations bills. But only 10 of these 13 bills have been passed by the Senate. Once again, desperation is setting in. The focus is shifting from the flow of open debate on the Senate floor to the closed doors of the conference committees.

Just last week, the Senate leadership attempted to attach the Treasury and General Government Appropriations bill—which the Senate has never considered—to the Legislative Branch conference report, and pass them as a package deal. The Senate was wise to reject that approach. The Senate should have an opportunity to fully consider these three significant appropriations bills. To abandon the reasoned debate this chamber is known for would represent a full surrender by this body of our responsibilities to the American people.

Mr. President, there are many pressing issues from programs for veterans healthcare and the courts to the National Weather Service. We should be able to debate these funding plans and then vote for or against them. Mr. President, it doesn't have to be this way. The Senate still has time to take up the remaining appropriations bills, debate them, amend them, and send them to the President. They may be contentious. But that is precisely why they must be aired in the light of day before the entire Senate and not swept into law under the cover of an unrelated appropriations conference report.

If the Senate acts promptly, the conferees will have ample time to complete their work, and report back to the full House and Senate. As a member of the Senate Appropriations Committee, I am acutely aware of our responsibilities to the people of this nation when it comes to appropriating taxpayers' dollars. I take that responsibility very seriously. The people have a right to know what Congress is doing with their money. And members of Congress have a responsibility to appropriate money wisely.

We cannot do our jobs or meet our responsibilities, if we delegate our work to a handful of appropriators hammering out a conference agreement, or to a closed circle of congressional leaders and White House officials huddling over a conference table.

Mr. President, we are poised to pass a Continuing Resolution that will keep the government operating through October 6. I believe that if we could put aside political posturing, partisan bickering, and retaliatory tactics for just one week, just one week, we could complete work on the appropriations bills, in an orderly and responsible fashion, and close out this Congress. We may not have accomplished all that we would have wished to accomplish. But I am confident that continued bickering over the appropriations process in the waning days of the 106th Congress will not improve the climate for any other legislation to move forward.

Mr. President, the American people deserve more than this mess from their elected leaders. I know the Senate can do better. In the days ahead, I urge my colleagues to work with our leaders and with the leadership of the Appropriations Committee, to tackle the remaining appropriations bills and conference reports, to debate, to vote, and to complete the work that we have been charged to do.

Though time is running out, it is not too late to make these spending decisions in the most responsible way, and that is what I am calling on my colleagues to do.

Mr. STEVENS. I think the time has come for us to ask that this resolution be presented to the Senate for a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) 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 96, nays 0, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—96

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Miller
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NOT VOTING—4

Feinstein	McCain
Lieberman	Thomas

The joint resolution (H.J. Res. 109) was passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) 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, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 4177 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. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mrs. MURRAY) would vote "aye."

The yeas and nays resulted—yeas 92, nays 3, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—92

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feingold	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Miller
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee, L.	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Wyden

NAYS—3

Hollings	Reed	Wellstone
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NOT VOTING—5

Feinstein	McCain	Thomas
Lieberman	Murray	

The PRESIDING OFFICER. On this vote the yeas are 92, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MURKOWSKI. Mr. President, may I ask about the order and the unanimous consent that is pending?

The PRESIDING OFFICER. The Senator now has 20 minutes.

Mr. MURKOWSKI. I thank the Chair.

OIL CRISIS

Mr. MURKOWSKI. Mr. President, I have had a series of discussions with my colleagues on the energy crisis in this country.

I think it is fair to make a broad statement relative to the crisis. The crisis is real. We have seen it in our gasoline prices. We saw it last week when oil hit an all-time high of \$37 a barrel—the highest in 10 years. And now we are busy blaming each other for the crisis.

I think it is fair to say that our friends across the aisle have taken credit for the economy because it occurred during the last 7 years. I also think it is fair that our colleagues take credit for the energy crisis that has occurred because they have been here for the last 7 years.

I have talked about the Strategic Petroleum Reserve, what I consider the insignificance of the drawdown, and the signal that it sends to OPEC that, indeed, we are vulnerable at 58-percent dependence on imported oil. That sends a message that we are willing to go into our savings account.

What did we get out of that? We got about a 3- to 4-day supply of heating oil. That is all. We use about a million barrels of heating oil a day during the winter. That has to be taken out of the Strategic Petroleum Reserve in crude form—30 million barrels—and transferred to the refineries which are already operating at capacity because we haven't had any new refineries built in this country in the last 15 to 20 years.

This is not the answer.

I am going to talk a little bit about one of the answers that should be considered by this body and has been considered before. In fact, in 1995, the issue of opening up that small area of the Coastal Plain, known as ANWR, came before this body. We supported it. The President vetoed it. If we had taken the action to override that veto of the President, or if the President had supported us, we would know what is in this small area of the Coastal Plain. When I say "small area," I implore my colleagues to reflect on the realities.

Here is Alaska—one-fifth the size of the United States. If you overlay Alaska on the map of the United States, it runs from Canada to Mexico, and Florida to California. The Aleutian Islands go thousands of miles further. There is a very small area near the Canadian border. When I say "small," I mean small in relationship to Alaska which is 365 million acres.

But here we have ANWR in a little different proportion. This is where I would implore Members to understand realities. This is 19 million acres. This is the size of the State of South Carolina.

A few of the experts around here have never been there and are never going to go there in spite of our efforts to get them to go up and take a look.

Congress took responsible action. In this area, they created a refuge of 9 million acres in permanent status. They made another withdrawal—only they put it in a wilderness in permanent status with 78.5 million acres, leaving what three called the 1002 area, which is 1½ million acres.

That is this Coastal Plain. That is what we are talking about.

This general area up here—Kaktovik—is a little Eskimo village in the middle of ANWR.

They say this is the “Serengeti.” There is a village in it. There are radar sites in it. To suggest it has never been touched is misleading.

Think for a moment. Much has been made of the crude oil prices dropping \$2 a barrel when the President tapped the Strategic Petroleum Reserve and released 30 million barrels of oil.

While I believe the price drop will only be temporary, I ask my fellow Senators what the price of crude oil would be today if the President had not vetoed opening up ANWR 6 years ago. It would have been at least \$10 less because we would have had another million-barrel-a-day supply on hand.

What would prices be if OPEC and the world knew that potentially 1 to 2 million barrels a day of new oil was coming out of the ANWR Coastal Plain, and not only for 3 or 4 or 15 days, but for decades?

Let me try to belie the myth of what is in ANWR in relationship to Prudhoe Bay. This area of Prudhoe Bay has been supplying this Nation with nearly 25 percent of its crude oil for almost two decades—2½ decades.

We built an 800-mile pipeline with the capacity of over 2 million barrels. Today, that pipeline is flowing at 1 million barrels with the decline of Prudhoe Bay.

You might not like oil fields but Prudhoe Bay is the finest oil field in the world, bar none. I defy anybody to go up there and compare it with other oil fields. The environmental sensitivity is unique because we have to live by rules and regulations.

The point I want to make is when Prudhoe Bay was developed and this pipeline was built at a cost of roughly \$6.5 billion to nearly \$7 billion, the estimate of what we would get out of the oil field was 9 billion barrels.

Here we are 23 or 24 years later, and we have gotten over 12 billion barrels. It is still pumping at better than 1 million barrels a day.

The estimates up here range from a low of 5.7 billion to a high of 16 billion

barrels—16 billion barrels. What does that equate to? It is kind of in the eye of the beholder. Some say it would be a 200-day supply—a 200-day supply of America’s oil needs. They are basing their estimates on old data of 3.2 billion barrels in ANWR, ignoring the most recent estimates by the U.S. Geological Survey that there is a 5 percent chance of 16 billion barrels—that is at the high end with a mean estimate of 10.3 billion barrels. That is the average. For the sake of conversation, we might as well say a 10.3 billion barrel average.

Under this argument, Prudhoe Bay, the largest oil field in the United States, has only a 600-day supply. That is assuming all oil stops flowing from all other places, and we have no other source of oil other than Alaska. So those arguments don’t hold water.

But the Wilderness Society and the Sierra Club say it is only a 200-day supply. It is only this, or it is only that; and using that logic, the SPR is only a 15-day supply, in theory.

Let’s make sure we keep this discussion where it belongs.

To give you some idea, in this 1002 area, in comparison to an eastern seaboard State, let’s take the State of Vermont, and say that there are absolutely no other sources for oil in the entire Coastal Plain. If this 1002 area was designated to fulfill Vermont’s needs, that 200-day supply is enough to heat homes and run equipment all over Vermont for the next 197 years. So don’t tell me that is insignificant. For New Hampshire, for example, it would be 107 years.

The U.S. Geological Survey says that it would replace all of our imports from Saudi Arabia for 11 years.

If it contains the maximum estimate of recoverable oil, it would replace all of our imports from Saudi Arabia for 30 years.

If the Arctic Coastal Plain could produce just 600,000 barrels a day, the most conservative estimate—more likely it would produce 2 million barrels a day—the area would be among the top 13 countries in the world; just this area in terms of crude oil production.

At 2 million barrels a day, the Coastal Plain of ANWR itself would be among the top eight oil-producing nations in the world. I am sick and tired of hearing irresponsible statements from the environmental groups that are lying to the American people.

We had a little discussion the other day on the floor. One of my colleagues from Illinois said he ran into a CEO of a major oil company of Chicago—he didn’t identify who he was—and asked him how important ANWR was to the future of the petroleum industry. The man from the company said from his point of view it was nonsense, there are plenty of sources of oil in the United States that are not environmentally dangerous.

Where? Where? We can’t drill off the Pacific coast. We can’t drill off the Atlantic coast. We can’t drill offshore. We can only drill down in the gulf, and now the Vice President wants to cancel leases down there.

He further said he believes, and the man from Illinois agreed, we don’t have to turn to a wildlife refuge to start drilling oil in the Arctic nor do we have to drill offshore.

If we are not going to drill offshore, where are we going to drill? They won’t let drilling occur in the Overthrust Belt. Mr. President, 64 percent has been ruled out—Wyoming, Colorado, Montana—to any exploration.

The idea that these people don’t identify where we are going to drill, but are just opposed to it, is absolutely irresponsible. As a consequence of not knowing whether we have this oil or not, we are not doing a responsible thing in addressing whether we can count on this as another Strategic Petroleum Reserve.

I have a presentation that I hope will catch some of the attention of Members because there is an old saying from some of the environmental groups: For Heaven’s sake, there is 95 percent of the coastal plain that is already open for oil and gas development.

Here is a picture of the coastal plain. It is important that the public understand this: 95 percent is not open. Here is Canada. Here is the ANWR area, 19 million acres, the coastal plain. This area is not open. It is open in this general area. Then we have the National Petroleum Reserve. This area is closed—this little bit of white area. From Barrow to Point Hope is closed. I repeat, 95 percent isn’t open.

The Administration prides itself on saying we have been responsible in opening up areas of the National Petroleum Reserve, which is an old naval petroleum reserve. A reserve is there for an emergency. We don’t know what is there. The areas that the oil company wanted to go in and bid Federal leases, the Department of Interior wouldn’t make available. They made a few, it is a promising start, but let’s open up a petroleum reserve and find out whether we have the petroleum there. They won’t do that. They won’t support us in opening up ANWR.

Only 14 percent of Alaska’s coastal lands are open to oil and gas exploration. Those are facts. I defy the environmental community, the Sierra Club, or the Wilderness Society to counter those statements. The breakdown: Prudhoe region, 14 percent; ANWR coastal plain, 11 percent; ANWR wilderness, 5 percent; naval petroleum, 52 percent; and Western North Slope, State, native private land, 18 percent. Ninety-five percent is not open.

I am looking at “The Scoop on Oil,” Community News Line, Scripps News Service, written obviously by the environmental community. It says “And

yet oil spills in Prudhoe Bay average 500 a year."

They don't amount to 500 spills a year. They amount to 17,000 spills a year—I see that has the attention of the Presiding Officer—because in Prudhoe Bay they don't mention they have to report all spills of any non-naturally occurring substance, whether a spill of fresh water, a half cup of lubricating oil, or a more significant spill. The vast majority of spills at Prudhoe Bay have been fresh and salt water use in conditioning on the ice roads and pads—not of chemicals or oil.

In 1993, the worst year in the past decade for spills at Prudhoe Bay, there were 160 reported spills involving nearly 60,000 gallons of material but only 2 spills involving oil. Those are the facts. And all 10 gallons went into secondary containment structures and were easily cleaned.

Prudhoe Bay is the cleanest industrial zone in America. America should understand this. What the environmental community has done is found a cause, a cause for membership dollars. Our energy policy today in this country is directed not by our energy needs but by the direction of the environmental community. They accept no responsibility for the pickle we are in with this energy crisis. This administration has not fostered any domestic exploration program of any magnitude in this country, as I have indicated, whether it be the Overthrust Belt or elsewhere. They have limited excess activity to the Gulf of Mexico. They have prohibited exploration in the high Arctic, as I have indicated.

They have moved off oil and said: No more nuclear; we won't address nuclear waste. My good friend from Nevada and I have had spirited debate, but we are not expanding nuclear energy because we cannot address what to do with the waste. Twenty percent of our power comes from nuclear. We have not built a new coal-fired plant since the mid-1990s. You cannot get a permit. We are talking of taking down hydro dams because of the environmentalists, but there is a tradeoff, as the occupant of the Chair from Oregon knows—putting the traffic off the barges on to the highways. There is a tradeoff.

If we take no hydro, no coal, no nuclear, no more imports of oil, where does it go? It goes to natural gas. What about natural gas, the cleanest fuel? Ten months ago, it was \$2.16 per 1,000 cubic feet; deliveries in November of \$5.42—more than double. Where are we going for energy? We are going to natural gas. That is the next train wreck coming in this country. It will be severe. Fifty percent of the homes in this country heat by natural gas—56 million homes. Heating bills are going to be 40-percent higher in the Midwest this winter. We have a different problem on the east coast where we don't have natural gas. The train wreck is coming.

When I hear these ludicrous statements, this thing is garbage, it is totally inaccurate. It says:

The oil industry's definition of "environmentally sensitive" also differs quite radically from yours and mine. How can thousands of caribou, polar grizzly bear, eagles, birds and other species who survive in what has been dubbed "America's Serengeti" . . .

If you haven't been up there, this coastal plain is pretty much the same all over. It is beautiful, it is unique. But it has some activity with the villages and the radar sites, and you wouldn't know where you were along this coastal plain because it is all the same.

They talk about dozens of oil fields. They say the road and pipelines would stop the movement of wildlife from one part of the habitat to another, toxic waste would leak. Let me show something about the wildlife up here: This is Prudhoe Bay, and this is the wildlife. These are not stuffed dummies, these are live caribou. They are wandering around because nobody is shooting them. Nobody is running them down with snow machines. This is Prudhoe Bay. We can do this in other areas of Alaska.

According to the Wilderness Society, rivers, streambeds, key habitat for wildlife, will be stripped by millions of tons of gravel roads. Let me show a little bit about the technology today because it is different. America should wake up and recognize this. This is a drill pad in the Arctic today. There are no gravel roads. We have ice and snow 9 months of the year. This is an ice road. That is the well.

Let me show the same place in the summertime, during the short summer, which is 2½ months or thereabouts. This is after moving the rig. There is the Christmas tree; there is the tundra. Do you see any marks? Do you see any gravel roads? Do you see pipelines? No, we have the technology, we can do it right. We could if the environmental community would meet its responsibilities. As we look for sources of energy, particularly oil, do we want to get it from the rain forests of Colombia where nobody gives a rat's concern about the environment? They just want the oil and to get it at any price, lay a pipeline anywhere.

Do you want to do it right here at home? I think it is time to come to grips with these folks and ask them to stand behind their assertions. They talk about millions of piles of gravel. We don't have to do that anymore. They are talking about the living quarters of thousands of workers and air pollution and death for the stunning animals. They talk about the polar bear. The polar bear don't den on land, they den on the ice.

I could go right down the list and state what is wrong with this thing. It is irresponsible. They finish by saying it is a 90-day supply of oil. That is just

not accurate. It is not factual. The reality is, if given the opportunity, we can turn this country around, keep these jobs home.

I am going to tell you, one of the problems, of course, is with our refining capacity because we are going to have to increase that. The assertion is that some of these refineries were closed prior to the Clinton-Gore administration. That is fine. But what have we done to increase the refining capacity? Refining capacity has increased by less than 1 percent while demand has increased 14 percent in this country. What are the causes of price hikes? Let's go to EPA. We have nine geographical regions in this country that require reformulated gas. I am not going to question the merits of that, but I can tell you the same gas in Springfield, IL, can't be used in Chicago. It costs more. Is it necessary? I don't know, but it costs more because you have to batch it.

We have talked about President Clinton's veto of ANWR 6 years ago, and what it would do. We are addressing the national security of this country as we look at depleting our Strategic Petroleum Reserve. It amazes me that nobody is upset about our increased dependence on oil from Iraq, 750,000 barrels a day. Saddam Hussein finishes every speech: "Death to Israel." If there was ever a threat to Israel's national security, it is Saddam Hussein. He is developing a missile capability, biological capability—what is it for? Well, it is not for good things.

As a consequence of that, we are seeing our Nation's increased reliance on crude oil and refined product, increased vulnerability to supply interruptions, and we are pulling down our reserves, and the administration says it is doing something about it. But I would like to know what. It vetoed ANWR, the opening of ANWR. It says we will get a little bit out of SPR. It says we have a problem here, we have a problem there.

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

Mr. MURKOWSKI. I ask unanimous consent for another 5 minutes.

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

Mr. MURKOWSKI. Mr. President, here are the Iraqi oil exports into the United States. They have gone up. Let me show some more charts because pictures are worth a thousand words. People say we have to concern ourselves with the issue of the porcupine caribou herd. This is ANWR, Canada. This is the Demster Highway. These are oil wells drilled in Canada. These in the light color were drilled. They didn't find any oil, but this is the route of the caribou. They have gone through this area. They cross the Demster Highway with no problem at all. The caribou calve—where do they calve? Sometimes they calve in ANWR, sometimes they do not. We are not going to have any

oil development in the summertime in the calving area.

This is what it is like over in Iraq. This is what it was like during the Persian Gulf war. There we are trying to clean up the mess caused by Saddam Hussein. That is the guy we are helping to support today, now with biological capabilities.

There are a couple of more points I wish to make. Talk about compatibility, here is something I think is fairly compatible. This shows a couple of guys out for a walk—3 bears. Why are they walking on the pipeline? The pipeline is warm. This is in the Prudhoe Bay oil field. Nobody is shooting those guys. They are happy. They walk over.

I can remember 15 years ago when they said: You build that pipeline and you are going to cut the State in half. The caribou, the moose will never go over from the other side. It just did not happen. It will not happen because these guys are compatible with the environment, as long as you don't harm them, chase them, run them down and so forth.

We have a lot of things going here, given the opportunity. If these Members would go back, if you will, to your environmental critics and say: What do you suggest? Can American technology overcome, if you will, our environmental obligation? Can we open up this area safely? Do we have the science and technology? There is nothing to suggest that we do not have that capability.

This is where we are getting our oil from now, with no environmental conscience about how they are getting it out of the ground. That is irresponsible on their part.

I am going to leave you with one thought. Here are the people with whom I am concerned. Those are the people who live in my State. This is in a small village. These are the kids walking down the street. It is snowing, it is cold, it is tough. It is a tough environment.

One of my friends, Oliver Leavitt, spoke about life in Barrow. That is at the top of the world, right up here. You can't go any further north or you fall off the top. He said I could come to the DIA school to keep warm because the first thing I did every morning was go out on the beach and pick up the driftwood. Of course, there are no trees. The driftwood has to come down the river.

Jacob Adams said:

I love life in the Arctic but it's harsh, expensive, and for many, short. My people want decent homes, electricity and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

The native people of the Coastal Plain are asking for the same right of the Audubon Society of Louisiana, the same right this administration itself is supporting in the Russian Arctic Cir-

cle, and the same right the Gwich'ins had in 1984 when they offered to lease their lands.

The oil companies should have bought it. There just wasn't any oil there.

I recognize the public policy debate about this issue is complex and will involve issues at the heart of the extreme environmental agenda which is driving our energy policy. It certainly is not relieving it.

At the same time, I think the issue can be framed simply as: Is it better to give the Inupiat people, the people of the Arctic, this right?

These people live up here. This is an Eskimo village. There is the village. Do you want to give them the right, while promoting a strong domestic energy policy that safeguards our environment and our national security, rather than rely on the likes of Saddam Hussein to supply the energy?

The answer in my mind is clear, as well as in the minds of the Alaskans.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, if I may, I have been asked to announce speeches and I have just concluded one. On behalf of the leader, I ask unanimous consent, following the remarks of the majority leader, Senator FEINGOLD be recognized for up to 25 minutes as in morning business, to be followed by Senator SESSIONS, under the previous order, to be followed by Senator GRAHAM for up to 20 minutes in morning business.

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

Mr. REID. Mr. President, I ask unanimous consent Senator FEINGOLD be allowed to continue until the Senator arrives on the floor.

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

H-1B VISAS

Mr. FEINGOLD. Mr. President, the Senate has just concluded its fourth vote in favor of the bill expanding H-1B visas that America grants each year to people from other countries to work in certain specialty occupations. I supported the bill on each of these votes.

But I rise today to express how strongly I oppose the manner in which the majority leader has sought to constrain this debate. I oppose the way in which the majority leader sought, on that bill, as with so many others, to prevent Senators from offering amendments. And I oppose the majority leader's effort to stifle debate by repeatedly filing cloture on the bill.

Through his extreme use of cloture and of filling the amendment tree, I'm afraid the majority leader has reduced the Senate to a shadow of its proper self. And the result has been a Senate whose legislative accomplishments are

as insubstantial as a shadow. This body cannot long exist as merely a shadow Senate.

Yesterday, as he brushed aside calls that the Senate vote on minimum wage or a patient's bill of rights, the majority leader complained that the Senate had already voted on those matters. But the Senate has, as yet, failed to enact those matters, and the people who sent us here have a right to hold Senators accountable.

And what's more, by blocking amendments, the majority leader has also blocked Senate consideration and votes on a number of issues that have been the subject of no votes in the Senate this year. Let me take a few moments to address two of them, the reform of soft money in political campaigns, and the indefensible practice of racial profiling.

Let me begin my discussion of these two items that the Senate was not allowed to take up—campaign finance and racial profiling—by discussing how those matters relate to what the Senate did take up—the H-1B visa bill.

The proponents of the H-1B bill characterize it as a necessity for our high tech future. It is both more and less than that.

But in a sense, the high-tech industry is certainly a large part of the reason why the Senate considered H-1B legislation these past two weeks. I would assert, that there is a high degree of correlation between the items that come up on the floor of the United States Senate and the items advocated by the moneyed interests that make large contributions to political campaigns.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H-1B visas, offers a glimpse of the financial might behind proponents of H-1Bs. As I've said, I am not opposed to raising the level of H-1B visas. But I do think it's appropriate, from time to time, when the weight of campaign contributions appears to warp the legislative process, to Call the Bankroll to highlight what wealthy interests seeking to influence this debate have given to parties and candidates.

ABLI is chock full of big political donors, Mr. President, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S. I'll just give my colleagues a quick sampling of ABLI's membership and what they have given so far in this election cycle. All the donors I'm about to mention are companies that rank among the top employers of H-1B workers in the U.S., according to the Immigration and Naturalization Service.

These figures are through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle:

Price Waterhouse Coopers, the accounting and consulting firm, has given more than \$297,000 in soft money to the parties and more than \$606,000 in PAC money candidates so far in this election cycle.

Telecommunications giant Motorola and its executives have given more than \$70,000 in soft money and more than \$177,000 in PAC money during the period.

And of course ABLI is comprised of giants in the software industry, who have also joined in the political money game.

The software company Oracle and its executives have given more than \$536,000 in soft money during the period, and its PAC has given \$45,000 to federal candidates.

Executives of Cisco Systems have given more than \$372,000 in soft money since the beginning of this election cycle.

And Microsoft gave very generously during the period, with more than \$1.7 million in soft money and more than half a million in PAC money.

But I should also point out, Mr. President, that the lobbying on this issue is hardly one sided.

Many unions are lobbying against it, including the Communication Workers of America, which gave \$1.9 million in soft money during the period, including two donations of a quarter of a million dollars last year. And CWA's PAC gave more than \$960,000 to candidates during the period.

The lobbying group Federation for American Immigration Reform, or "FAIR," has lobbied furiously against this bill with a print, radio and television campaign, which has cost somewhere between \$500,000 and \$1 million, according to an estimate in Roll Call.

This is standard procedure these days for wealthy interests—you have to pay to play on the field of politics. You have got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who cannot afford the price of admission is going to be left out in the cold.

Thus, I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill these past two weeks. I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill under the tortured circumstances that it did. This is just another reason why I believe that this Senate must consider and vote on amendments that deal with campaign finance reform.

The momentum is building on campaign finance reform. In recent days, more and more candidates have offered to swear off soft money and have called for commitments from their opponents to do without soft money in their campaigns. More and more candidates are coming to the realization that taking soft money is a political liability. The

days of soft money are numbered, and this shadow Senate cannot long hide from the political reality.

Beyond that subject, there are other important subjects that the majority leader is blocking with his heavy-handed tactics. The Senate may just have considered a bill dealing with immigrants, but the Senate has thus far failed to consider a discussion of a particular injustice that could well affect their lives, as well.

The INS's May report showed that most of those for whom they approved H-1B visas during the period for which data were available came here from countries of the developing world. As a large number of those receiving H-1B visas are people of color, many could become subject to the indefensible practice of racial profiling.

If this Senate can find the time to consider H-1B legislation, I believe that it should also find the time to consider an amendment that addresses the issue of racial profiling.

Let me begin my discussion of racial profiling by acknowledging the leadership of Congressman JOHN CONYERS and our friend in this body, Senator FRANK LAUTENBERG, the principal authors of the legislation to address this very real problem.

The problem is this: Millions of African Americans, Hispanic Americans, immigrants, and other Americans of racial or ethnic minority backgrounds who drive on our Nation's streets and highways are subject to being stopped for no apparent reason other than the color of their skin.

This practice, known as racial profiling, targets drivers for heightened scrutiny or harassment because of the color of their skin. Some call it "DWB," "Driving While Black," or "Driving While Brown." Of course, not all or even most law enforcement officers engage in this terrible practice. The vast majority of our men and women in blue are honorable people who fulfill their duties without engaging in racial profiling, but the experience of many Americans of color has demonstrated that the practice is very real.

There are some law enforcement agencies or officers in our country who have decided that if you are a person of color, you are more likely to be trafficking drugs or engaged in other illegal activities than a white person, despite statistical evidence to the contrary. In a May 1999 report, the American Civil Liberties Union reported that along I-95 in Maryland, while only roughly 17 percent of the total drivers and traffic violators were African American, an astonishing 73 percent of the drivers searched were African American. The legislation that Senator LAUTENBERG and I have sponsored would allow us to get an even better picture.

In America, all should have the right to travel from place to place free of

this unjustified government harassment. None should have to endure this incredibly humiliating experience—and sometimes even a physically threatening one—on the roadsides or in the backseat of police cruisers.

This practice also damages the trust between law enforcement and the community. Where can people of color turn for help when they believe that the men and women in uniform cannot be trusted? As one Hispanic-American testified earlier this year in Glencoe, IL, after his family experienced racial profiling, "Who is there left to protect us? The police just violated us."

Racial profiling chips away at the important trust that law enforcement agencies take great pains to develop with the community. When that trust is broken, it can lead to an escalation of tensions between the police and the community. It can lead to detrimental effects on our criminal justice system—like jury nullification and the failure to convict criminals at all—because some in the communities no longer believes the police officer on the witness stand. Racial profiling is bad policing, and it has a ripple effect whose consequences are only beginning to be felt.

In just the last year and a half, since we introduced the traffic stops statistics study bill, we have already seen increased awareness of this problem in the law enforcement community, and an increased willingness to address it. A growing number of police departments are beginning to collect traffic stops data voluntarily. Over 100 law enforcement agencies nationwide—including State police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven State legislatures have passed data collection bills in the last year or so. This is tremendous progress from where we were when the bill was introduced. I applaud those states and I applaud law enforcement agencies that are collecting data on their own.

But these State and local efforts underscore the need for a Federal role in collecting and analyzing traffic stops data to give Congress and the public a national picture of the extent of the racial profiling problem and lay the groundwork for national solutions to end this horrendous practice. While we can applaud individual states and law enforcement agencies for taking action, combating racial discrimination is one area where a Federal role is essential. Our citizens have a right to expect us to act.

I am pleased to have joined my distinguished colleague from New Jersey, Senator LAUTENBERG, in introducing S. 821, a companion bill to the bill introduced in the House by Representatives JOHN CONYERS and ROBERT MENENDEZ. The bill would require the Attorney General to conduct an initial analysis of existing data on racial profiling and

then design a study to gather data from a nationwide sampling of jurisdictions.

This is a straightforward bill that requires only that the Attorney General conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

I cannot emphasize enough that this traffic stops study bill is a truly modest proposal. Some would even say it's a conservative proposal. The American people have become so much more aware of the issue over the last year, and so many law enforcement agencies and State governments have expressed interest in addressing the issue, that many people are now saying that a study bill does not go far enough. They argue that we have enough data; we know racial profiling exists; we do not need to study it more; let's just end it. I understand this sentiment. This is a modest, reasonable proposal that, I hope, will lay the groundwork for developing ways to end racial profiling once and for all.

Only last month, the son of the great civil rights leader Martin Luther King Jr. led a march on the Lincoln Memorial to commemorate his father's legacy. His father inspired a nation 37 years ago when he said, in words that echoed throughout the world and have been etched in history, that he had a dream that one day racial justice would flow like a mighty river. Sadly, our Nation has not fulfilled that dream. As Martin Luther King III noted, racial profiling continues to harm Americans and erodes the important trust that should exist between law enforcement and the people they serve and protect.

President Clinton has endorsed S. 821, and last June he directed federal law enforcement agencies to begin collecting and reporting data on the race, ethnicity and gender of the people they stop and search at our Nation's borders and airports. A coalition of civil rights and law enforcement organizations—including the ACLU, the NAACP, the National Council of La Raza, and the National Organization of Black Law Enforcement Executives—also support this legislation. I am pleased that 20 Senators have joined to cosponsor the bill, and I am hopeful that if allowed to come to a vote, my amendment would enjoy broad support. The House of Representatives passed a similar bill by voice vote in the 105th Congress, and this March, the House Judiciary Committee passed the bill again. It's time we passed it in the Senate, too.

Racial profiling and soft money campaign finance reform are issues that deserve consideration in the Senate. Re-

grettably, the procedures that the majority leader employed to consider the H-1B bill and too many other bills have so far blocked their consideration. Before this Senate adjourns sine die, I hope that we will have an opportunity to address these, and many other issues that demand attention. If it fails to, this Senate's mark in history will be no more permanent than a shadow.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the junior Senator from Alabama is on the floor. I want to express publicly my appreciation. We had a Senator over here who had some time problems. He graciously allowed him to go first, for which I am very grateful, something he did not have to do. He did it because he is a southern gentleman. I appreciate it very much.

The PRESIDING OFFICER. The Senator from Nevada.

MEASURE READ THE FIRST
TIME—S.J. RES. 54

Mr. REID. Mr. President, I understand that S.J. Res. 54, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 54) expressing the sense of Congress with respect to the peace process in Northern Ireland.

Mr. REID. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT
AGREEMENT—S. 2045

Mr. LOTT. Mr. President, with regard to the H-1B legislation, I now ask unanimous consent that notwithstanding rule XXII, following the previously ordered morning business speeches, the Senate resume consideration of S. 2045, the H-1B bill, and the following pending amendment Nos. 4214, 4216, and 4217, be withdrawn and the motion to recommit be withdrawn in order to offer a managers' amendment containing cleared amendments

limited to 5 minutes equally divided in the usual form.

I further ask consent that following the adoption of the managers' amendment, no further amendments be in order, and amendment No. 4177, as amended, be agreed to, the committee substitute, as amended, be agreed to, the bill be advanced to third reading, and final passage occur at 10 a.m. on Tuesday, without any intervening action or motion or debate, and that paragraph 4 of rule XII be waived. I further ask consent that the time between 9:30 and 10 a.m. on Tuesday be equally divided between the two managers for closing remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let my just say, Mr. President, we have one additional part of this H-1B request we hope to be able to clear momentarily. But the interested parties are reviewing the language of the substitute. When we get that reviewed, then we will ask consent that the bill be laid aside until 9:30 a.m. on Tuesday and that the Senate proceed to the visa waiver bill. But we will clarify that in just one moment.

UNANIMOUS CONSENT AGREEMENT—ENERGY/WATER APPROPRIATIONS CONFERENCE REPORT

Mr. LOTT. Now, with regard to the energy and water appropriations conference report, I ask unanimous consent that notwithstanding rule XXII, following H-1B consideration, the Senate proceed to the energy and water appropriations conference report and that the report be considered as having been read and considered under the following agreement: 1 hour equally divided between the chairman and the ranking member of the Appropriations subcommittee, 20 minutes equally divided between the chairman and ranking member of the full committee, and 10 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the vote occur on adoption of the conference report immediately, without any intervening action or debate.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Because of the lateness of the day, I ask unanimous consent that any time I have be returned to the Chair. I will submit a written statement setting forth my views on the bill.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. Majority Leader, might I ask a question? Did you get some time for the Senator from New Mexico?

Mr. LOTT. We do have time equally divided between the chairman, the Senator from New Mexico, and the ranking member.

Mr. DOMENICI. I will yield back my time to the Chair. I have a statement I will submit shortly.

Mr. LOTT. All right. We still have 10 minutes under the control of Senator MCCAIN. We will call and see if he wants to take advantage of that.

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

Mr. LOTT. We will come back to that later.

UNANIMOUS-CONSENT REQUEST—
H.R. 4986

Mr. LOTT. Mr. President, with regard to H.R. 4986, I ask unanimous consent that notwithstanding rule XXII, the Senate now turn to the consideration of Calendar No. 817, which is H.R. 4986, relating to foreign sales corporations, and following the reporting of the bill by the clerk, the committee amendments be agreed to, with no other amendments or motions in order, and the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

I further ask consent that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be Senators ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know everyone has worked hard on this. We do have a number of Senators who want to offer amendments. Until we get that worked out, I object.

The PRESIDING OFFICER. Is there objection?

Without objection—

Mr. LOTT. No. He did object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me just say, Mr. President, that I did ask for consent on this bill out of the Finance Committee dealing with foreign sales corporations. And, of course, this is the result of WTO decisions, trying to get the U.S. laws to comply with that decision.

We did clear it on this side. I understand there are some Senators on the Democratic side who wish to offer amendments. A lot of the amendments on the list I saw were the usual suspects that have now been offered that do not relate to the bill. I understand

that has to be worked out. Senator REID and others will be trying to clear up those objections based on those amendments.

But I do want to say, if there is any germane or relevant amendment to this bill, certainly we will work to make sure that will be included in the agreement.

Failing that, this is something we need to do, and I hope we can get it cleared up in the next few days.

UNANIMOUS-CONSENT REQUEST—
S. 2015

Mr. LOTT. Mr. President, with regard to the Stem Cell Research Act of 2000, Senator SPECTER has been very energetic in pursuing the opportunity to offer this legislation.

As I had agreed earlier, I now ask unanimous consent that notwithstanding rule XXII, the HELP Committee be discharged from further consideration of S. 2015, and the Senate proceed to its immediate consideration under the following terms: 3 hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 1 hour equally divided and not subject to any second-degree amendments; that no motions to commit or recommit be in order.

I further ask unanimous consent that following the conclusion or use of the debate time and the disposition of the above-described amendments, the bill be advanced to third reading and a vote occur on passage of the bill, as amended, if amended, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I have a number of questions under my reservation. First of all, we were of the understanding that this unanimous consent that was proposed had not been cleared on the majority leader's side earlier today.

Mr. LOTT. There very well could be objections on this side, too.

Mr. BROWNBACK. I will object to this proposal.

Mr. LOTT. I think there are objections on both sides to this, but I made a commitment to do everything I could to try to get this issue to be considered by the full Senate. Senator SPECTER feels very strongly about it, is committed to it, and has been reasonable in waiting for an opportunity to offer it. I know there are objections to it on both sides, and there is no question that there is objection on this side. I felt constrained to make this effort. It is a serious effort.

Mr. REID. If I may say to the leader, Senator SPECTER has spoken to me. I know how intensely he feels about the issue. I said the same thing to him that the leader has said, that I would do ev-

erything I could to get this worked out. Whoever is not allowing it to be cleared, it is not being cleared now.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. SESSIONS. Mr. President, March 16, 2001, will mark the 250th anniversary of the birth of James Madison, who clearly earned the title: Father of our Constitution.

This great American devoted his life to the service of his country and his fellow man, and that service played an essential role in creating and protecting the constitutional liberty that we enjoy today.

Accordingly, I intend to offer the bipartisan James Madison Commemoration Commission Act to celebrate the life and contributions of this small man who was a giant of liberty.

James Madison was born on March 16, 1751 in Port Conway, VA. He was raised at Montpelier, his family's estate in Orange County, VA. He attended the College of New Jersey, now known as Princeton University, where he excelled academically and graduated in 1771. Shortly after his graduation, Madison embarked on a legal career. In 1774, at the age of 23, Madison entered political life. He was first elected to the Orange County Committee of Safety. Following that, he was elected as delegate to the Constitutional Convention of Virginia in 1776. He next served as a member of the Continental Congress from 1780 to 1783. This provided him marvelous insight into the nature of our early American government and ideals.

After America won its freedom at Yorktown, the country looked to strengthen the government that had proven too helpless under the Articles of Confederation. A Constitutional Convention was called in Philadelphia. It was here that Madison was to play the most important role of his life, dwarfing, in my view, his subsequent excellent service to his country.

From 1784 to 1786, Madison was a member of the Constitutional Convention. He served as a primary draftsman of the Constitution. Thomas Jefferson, who was in France at the time, and who did not participate in the Constitutional Convention, did suggest a number of books that would aid the young draftsman in preparing for his historic task. With these books and others, Madison engaged in an extensive study of the ancient governments

of Greece and Rome and of the more modern governments of Italy and England, among others. No one came to Philadelphia so intentionally, practically, and historically prepared to create a new government.

Madison posed his task as follows:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

This he wrote in *Federalist No. 51*.

At the convention, delegates made impassioned arguments regarding the relative powers of big States, small States, Northern States, Southern States, and there were those who feared that a strong national government might dominate all States. In month after month of untiring argument, careful persuasion, and creative compromise, Madison reached answers upon which the delegates could agree. There would be a Federal Government of separated and enumerated powers. Large States would have their votes based on population in the House of Representatives. Small States would have equal, two-vote, representation in this body, the Senate.

Further, the powers of the Federal Government would be limited to enumerated objects in order to protect all the States from Federal overreaching. Madison described the Federal Republic, states and federal governments, that the Constitution envisioned as follows:

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

He was writing that in *Federalist No. 51*.

In addition to playing a leading role in framing this new government, Madison also made detailed notes on the proceedings of the Constitutional Convention. Madison's notes on the Constitutional Convention have proven the most extensive and accurate account of how our Founding Fathers framed the greatest form of government in the history of mankind.

Once the Constitutional Convention reached an agreement, the States had to ratify the Constitution and make it binding fundamental law. Madison contributed to that fight for ratification in three ways. It was a critical, tough fight.

First, he joined with Alexander Hamilton and John Jay in drafting the *Federalist Papers* which were circulated among New York newspapers under the pseudonym *Publius*.

These papers contained perhaps the most vivid and profound pages of practical political philosophy ever produced. They answered with force and eloquence the arguments of the anti-federalists and helped sway public opinion toward ratification.

Second, Madison fought in the Virginia ratification convention for the adoption of the Constitution.

It was critical that Virginia ratify the Constitution. Joining with John Marshall, the future great Chief Justice of the Supreme Court, Madison argued against the fiery orator, Patrick Henry. Henry, who argued so forcefully for declaring independence from Great Britain, charged that the new Constitution would vest too much power in the Federal Government. Madison countered that the powers of the Federal Government would be limited to enumerated objects and subject to the control of people.

Third, Madison helped to develop the Bill of Rights which limited the power of the Federal Government further and ensured the power of the states and the liberty of the people. He was a critical drafter in the development of the Bill of Rights.

Madison's herculean efforts, along with the efforts of others, resulted in the ratification of the Constitution with a Bill of Rights. This constitutional government enabled a fledgling democracy to grow into the most powerful force for liberty the world has ever known. He was the right man at the right time.

Notwithstanding Madison's intellectual prowess and the thoughtful, reflective approach he brought to problem-solving, humility was the hallmark of this man. In later years, when he was referred to as the Father of the Constitution, Madison modestly protested that the document was not "the offspring of a single brain" but "the work of many heads and many hands." It was true, but it was done under his nurturing care.

After Madison's service at the Constitutional Convention, he served in the U.S. House of Representatives for four terms. When Thomas Jefferson was elected President in 1801, he selected Madison to serve as his Secretary of State.

At the conclusion of Jefferson's administration, the American people twice elected James Madison President of the United States. As President, he watched over the very government he played such a crucial role in creating. And his steady leadership in the War of 1812 against Great Britain helped guide America to victory.

While these accomplishments are remarkable indeed, the really remarkable thing is the enduring nature of Madison's imprint on American history. Amended only 17 times after its ratification with the Bill of Rights, the Constitution that Madison drafted still

provides the same basic structure upon which our government operates today and that we comply with every day in this body.

The Supreme Court still quotes the *Federalist Papers* that Madison drafted. And Madison's concept of federalism is the subject of renewed debate in the Supreme Court and Congress at this time.

The Constitution that Madison drafted, and his writings that have guided generations of Americans in interpreting that Constitution, are still the envy of the world. Madison's wisdom and foresight have been proven by the indisputable success of the American constitutional experiment. Indeed, while we are a young country, this nation has the oldest continuous written Constitution in the world. It is a beacon and example for others. Many try and are not able to make it work, but they have modeled their constitutions so often after ours.

Why has it worked? Because Madison understood that the law must be suited to the people it is intended to govern. In *Federalist No. 51*, Madison stated:

What is government itself but the greatest of all reflections on human nature?

And a constitution that protects liberty is suited to a people who love liberty to the extent that they are willing to fight and die for it.

So, Mr. President, it is with great pride that I join with other Senators on both sides of the aisle, including Senators BYRD, THURMOND, MOYNIHAN, WARNER, and ROBB, to offer at the appropriate time, this bill establishing the James Madison Commemoration Commission. The Commission will celebrate the 250th anniversary of James Madison's birth on March 16, 2001.

The commission will consist of 19 members: The Chief Justice of the Supreme Court, the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, the Chairmen and Ranking Members of the Senate and House Judiciary Committees, two Members of the Senate selected by the Majority Leader, two Members of the Senate selected by the Minority Leader, two Members of the House of Representatives selected by the Speaker, two Members of the House of Representatives selected by the Minority Leader of the House, and two members of the Executive Branch selected by the President. A person not able to serve may designate a substitute. Members will be chosen based on their position at the end of the 106th Congress and will continue to serve until the expiration of the Commission.

The bill will also create an Advisory Committee with 14 members, including: the Archivist of the United States, the Secretary of the Smithsonian Institute, the Executive Director of Montpelier, the President of James Madison University, the Director of the James Madison Center, the President of the

James Madison Memorial Fellowship Foundation, 2 persons who are not Members of Congress selected by the majority leader of the Senate, with expertise on the legal and historical significance of James Madison, 2 persons who are not Members of Congress, selected by the minority leader of the Senate, 2 persons who are not Members of Congress, selected by the Speaker of the House, and 2 persons who are not Members of Congress, selected by the minority leader of the House.

With the aid of the Advisory Committee, the Commission will:

1. Publish a collection of Madison's most important writings and tributes to Madison;
2. Coordinate and plan a symposium to provide a better understanding of Madison's contributions to American political culture;
3. Recognize other events celebrating Madison's life and contributions;
4. Accept essay papers from students on Madison's life and contributions and award certificates as appropriate; and
5. Bestow honorary memberships on the Commission and the Advisory Committee.

The bill authorizes \$250,000 for the Commission. This will be used for the expenses of publishing the book and hosting a symposium.

The Commission will expire after its work is done in 2001.

Mr. President, I believe this work is truly important to our country. I ask all my colleagues—and we have had a growing number of individuals who have joined as co-sponsors of this bill—to join in this effort to commemorate the Father of our Constitution and perhaps the greatest practical political scientist who ever lived, James Madison.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to gain Senator SESSIONS as a cosponsor of the James Madison Commemoration Commission Act. It is appropriate that we honor James Madison for his exemplary contributions to our country.

The Commission will build on the success of the James Madison Fellowship Foundation, which Senator HATCH and I cochair. We are very proud of the work of the Madison Fellows. They are among the most accomplished, talented, and dedicated educators in the Nation. They are committed to educating children across the country about the value of learning, the importance of the Constitution, and the significance of public service.

I hope that this new Commission honoring James Madison will breathe new life into the Constitution for people across the country.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STEM CELL LEGISLATION

Mr. SPECTER. Mr. President, I was not on the floor a few moments ago

when the distinguished majority leader and the assistant leader for the Democrats had a colloquy when the majority leader propounded a unanimous consent request concerning legislation on stem cells. I think it useful to make a brief comment or two and then to have, if I might, a brief discussion with the majority leader about what will happen on the future of the bill.

The stem cell legislation in question would eliminate the prohibition now in effect which limits the use of Federal funds, principally from the National Institutes of Health, from paying for extracting stem cells from embryos. Once the stem cells have been extracted from embryos, then Federal funds may be used on their research, and private funds—if I might have the attention of the majority leader for a moment while we discuss the stem cell issue, as to what is going to happen next. Without describing the legislation—which I can in a minute—I ask the distinguished majority leader what he anticipates in the future.

When this issue to eliminate the limitation on funding was stricken from the appropriations bill last year, it was done so after I consulted with the majority leader because concluding it would have resulted in a filibuster and tied up that appropriations bill. The majority leader made a commitment, which he has fulfilled today, to bring the bill to the floor.

It had been my hope that we would have had the bill on the floor at an earlier time, but I fully understand the complexities of the schedule; and once we had reached September, the only way to deal with the matter was on a limited time agreement to be obtained through unanimous consent.

So it is my hope that the intent and the thrust of what was proposed—I think intended—was that that the bill would be on the calendar and considered when we reconvened, when it would not have to be subjected to a unanimous consent request, but it might have to pass a filibuster vote on a motion to proceed.

Mr. LOTT. Mr. President, if the Senator from Pennsylvania will yield, let me acknowledge the fact that the Senator from Pennsylvania did agree at a critical moment last year to remove this issue from the Labor-HHS-Education appropriations bill so we could complete it. It was clearly one of the difficulties we were having in wrapping up the session.

I committed at that time that we would make an effort to get it up this year and that I would do that. We probably should have made this effort earlier. I owe him an apology for not doing that. Let me say, in recent days we have tried to clear it. There is objection to it. I believed it was important that I go ahead and make that request publicly because we made that commitment to the Senator.

I know how strongly the Senator from Pennsylvania feels about this issue, and a lot of other people feel very strongly about it. I know we had some testimony on it within the last couple of weeks in the Senate. There are strong and passionate feelings about it on both sides in terms of what it can do for some health problems, and there are others who obviously think this is an improper use. I am sure it will be a good debate whenever it is debated and wherever it is debated. I will work with the Senator next year to try to get it up earlier in the session. Before I make a commitment at this time that I will file cloture, I have to make sure it will not fall through and I can keep that commitment.

But I will work with him to see that he gets a shot at it. He always has the opportunity to offer amendments on bills that come along. There is not just one way to get it done. I do believe I owe him a commitment to keep working with him. Even though I don't necessarily agree with him on the substance, I think on the procedure I have an obligation to keep a commitment to help him.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his statement. I appreciate his last statement that he doesn't necessarily agree with me, which leaves some room that he doesn't necessarily disagree with me. I am not looking for a response at this time. Senator LOTT is well known to have an open mind on controversial issues and on matters not debated. I agree with him when he says it is subject to passionate feelings on both sides.

We had debates and witnesses. We had seven hearings on this issue. We had Senator BROWNBACK, the principal opponent of the legislation, to testify, and Congressman JAY DICKEY, the principal opponent of the legislation in the House, to testify.

The hearings have always been balanced, and we have had people who have opposed the legislation at every one of the hearings.

It is a matter which is appropriate for the Senate to consider. I appreciate what the majority leader has said about giving consideration to an early listing next year, and not making a commitment on pressing a cloture motion. I think a cloture motion could be filed by any 17 Senators. But we are not going to get involved in that at this time.

But I did want to say for the RECORD why I believe it is important that the matter be considered. And it is because stem cells have such a remarkable opportunity to cure many of the most difficult maladies and diseases which confront America and the world today. These stem cells have the potential to be placed in the human body to replace other cells.

We had testimony, for example, from Michael J. Fox, who suffers from Parkinson's. We had the experts testify that these stem cells could be enormously effective in curing Parkinson's. That is an obtainable goal perhaps in as early as 5 years.

The stem cells may also be useful on Alzheimer's disease, on strokes, on spinal cord injuries, perhaps on cancer, and perhaps on heart ailments.

There is virtually no limit to what these stem cells can do. They are a veritable fountain of youth.

I have said publicly that I understand those on the other side of the issue. It involves taking an embryo which has been created for purposes of in vitro fertilization but not used. These embryos are discarded. There are some 100,000 embryos in existence today which will not be used. So the issue is whether you simply discard these embryos which will have no further effect, or whether you use these embryos to produce stem cells which can cure many very serious maladies.

There are other alternatives such as adult stem cells. But the scientific evidence has been very compelling, in my judgment, that adult stem cells cannot do the job, but stem cells can from embryos.

There are also stem cells from fetal tissue. Those stem cells are limited, and we really need the stem cells from these embryos to provide the research opportunities to cure so many of these ailments.

This is not an issue which is going to lead to the creation of embryos for the purposes of extracting stem cells. When we have the fetal tissue discussion, many people are concerned that they will produce more abortions to have fetal tissue available. In fact, that was not the case—fetal tissue was used from abortions which would have occurred in any event.

It is not a controversial pro-life versus pro-choice issue as we have had many Senators who are strongly pro-life support stem cell research in this legislation. Senator STROM THURMOND, who is very strongly pro-life and an acknowledged very conservative Senator, testified before the subcommittee in favor of this legislation to have Federal funding for extraction of stem cells from embryos.

Senator CONNIE MACK of Florida has spoken about this bill, another pro-life Senator speaking in favor of it. Very strong statements have come from Senator GORDON SMITH, who is pro-life and very concerned about these underlying issues, as to why he feels the balance is in favor of this sort of legislation.

Since the issue was mentioned and there is not another Senator on the floor seeking recognition, I thought I would explain in abbreviated form where this legislation is pending, and why I have been pressing. It comes nat-

urally within the subcommittee of appropriations which I chair.

The prohibition against use of Federal funds to extract stem cells from embryos was placed in a bill which came out of this subcommittee. When the prohibition was imposed, there was no one who really knew the miraculous potential of stem cells, it being a veritable fountain of youth. This only came into existence with the research disclosed in November of 1998. Since that time, our subcommittee has had seven hearings to explore the issue very fully.

It is my hope that the matter will come before the Senate early next year. I appreciate what the majority leader has had to say. We will let the Senate work its will. Let us consider it. Let us debate it. Let us analyze it and come to judgment on it, which is our role as legislators, in a way which considers all of the claims and considers all of the positions but resolves the matter so that public policy will be determined in accordance with our constitutional standards and our legislative procedures.

I thank the Chair. I yield the floor.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

MR. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS and Mr. SESSIONS pertaining to the introduction of S. 3138 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two unanimous consents that have been agreed to on the other side. I will make them as expeditiously as I can.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Resumed

Mr. DOMENICI. Mr. President, on H-1B, I ask unanimous consent the Senate now resume S. 2045, the H-1B bill, and the managers' amendment be agreed to, which is at the desk, and all other provisions of the consent be in order.

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

The amendments (Nos. 4214, 4216 and 4217) were withdrawn.

The motion to recommit was withdrawn.

The amendment (No. 4275) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The amendment (No. 4177), as amended, was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 2045), as amended, was ordered to a third reading and was read the third time.

Mr. HATCH. Mr. President, let me highlight our intent about how the Immigration and Naturalization Service (INS) should implement this legislation with respect to physicians who seek H-1B visas. The INS currently requires that each applicant for an H-1B visa who wishes to work as a physician must have passed the three parts of the United States Medical Licensing Examination (USMLE) and, if required by the state in which he or she will be practicing, be licensed. Due to the increased number of physicians who may work in the U.S. under H-1B visas with the passage of this legislation, it is even more important that the INS confirm successful completion of all parts of the USMLE each time an individual physician applies for, or seeks renewal of, an H-1B visa.

Mr. KENNEDY. Mr. President, our Nation's economy is experiencing a time of unprecedented growth and prosperity. This strong economic growth can, in large measure, be traced to the vitality of the fast-growing high technology industry. Information technology, biotechnology and associated manufacturers have created more new jobs than any other part of the economy.

The rapid growth of the high-tech industry has made it the nation's third largest employer, with 4.8 million workers in high-tech related fields, working in jobs that pay 70 percent above average income. The Bureau of Labor Statistics projects that the number of core IT workers will grow to a remarkable 2.6 million by 2006—an increase of 1.1 million from 1996.

With such rapid change, the economy is stretched thin to support these new businesses and the growth opportunities they present. The constraint cited most often on future growth of the high-technology industry is the shortage of men and women with the skills and technical background needed for jobs in the industry. Several factors are contributing to this shortage, including an inaccurate, negative image of IT occupations as overly demanding, the under-representation of women and minorities in the IT workforce, and outdated academic curricula that often do not keep pace with industry needs.

All of us want to be responsive to the nation's need for high-tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. The H-1B visa cap should be increased, but in a way that better addresses the fundamental needs of the economy. Raising the cap without seriously addressing our long-term labor needs would be a serious mistake.

The legislation before us today includes provisions that respond to what American workers, students and employers have been telling Congress: that any credible legislative proposal must begin with a significant expansion of career training and educational opportunities for our workers and students. Expanding the number of H-1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce. It makes sense to ask that more of our workers be recruited and trained for these jobs.

I commend Senator LIEBERMAN, Senator CONRAD, and other colleagues for their valuable contributions to the proposed training provisions. The training provided will ensure that the H-1B program will provide our workers with the skills needed to benefit from this growing economy and to help our companies continue to grow.

A REASONABLE INCREASE IN THE H-1B VISA CAP IS JUSTIFIED, BUT IT MUST BE TEMPORARY AND SUFFICIENTLY TAILORED TO MEET EXISTING SHORT-TERM NEEDS

A temporary influx of foreign workers and students is needed in the short-term to help meet the demands by U.S. firms for high skilled workers. But we shouldn't count on foreign sources of labor as a long-term solution. It is unfair to U.S. workers, and the supply of foreign workers is limited.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and lay-off of domestic workers.

A Dallas Morning News article describes how Ken Schiffman of Texas received only one or two responses to his resume over a long period of time, until he deleted all direct and indirect references to his age. After that, he received 26 messages in one day. A human resource executive at a trade association confirms that this problem is a constant issue. Employers often ask the age of an applicant and reject older applicants without ever interviewing them.

John Miano, head of the American Programmer's Guild, argues that once a worker is laid off, it is very difficult to find a new job, in contrast to younger workers. Companies often unfairly view older workers as "dirty linen." These and countless other experiences support the need for a more responsible approach to H-1B legislation. And similar problems face women and minorities who are under-represented in the IT workforce.

Although many new jobs are created in the IT industry each year, we also know that thousands of IT workers were laid off in 1999. For example 5,180 workers lost their jobs at Electronic Data Systems, 2,150 at Compaq, and 3,000 at NEC-Packard Bell.

We also know that some IT companies classify their workers as independent contractors or temporary workers, rather than as employees, to avoid paying them benefits. In fact, it has been said that "if all categories of contingent workers are included—temporary, part-time, self-employed, and contract workers—almost 40% of all employment in Silicon Valley are contingent workers." This misclassification scheme also contributes to numerous positions being seemingly "unfilled," because official "employees" are not performing those functions. This practice perpetuates an artificially higher number of "open" positions than actually exist.

Although it makes sense to provide an increase in the H-1B cap through FY 2002, the unprecedented cap exemptions in the Hatch bill are unwarranted. Those exemptions would permit 40,000 workers above the 195,000 cap to receive an H-1B visa. The resulting figure is well above the number of visas that even the most ardent IT lobbyists claim are needed. Exempting all those with advanced credentials will result in a significant increase in the number of persons within the cap who have less specialized skills, and who are in occupations ranging from therapists to super models. This is not the direction in which the H-1B visa program should be moving. The bill should not focus solely on the number of visas available for foreign skilled workers. It should also emphasize employers' needs for as many workers with the highest professional credentials as possible, who possess specialized skills that cannot be easily and quickly reproduced domestically.

I am strongly in favor of supporting our institutions of higher education and research groups. But the two types of exemptions in the bill overlap and are unnecessarily complex. The first exemption addresses a genuine need of universities who face difficulty competing with the high tech industry for visas. But universities and research organizations would be just as easily served by reserving for them 12,000 a year within the cap.

The second exemption is for students graduating in the U.S. with any advanced degree, as long as they apply within a certain time frame. But it should not matter when they graduated or where they graduated. The exemptions will cause administrative problems that we should not impose on INS.

Instead, we should ensure that workers with an advanced degree have priority for H-1B visas within the cap, and are subject to the same requirements as all other applications. No evidence exists that proves or even implies that there is a shortage of American advanced degree holders in all subject areas. Yet the bill ignores this point and specifically permits all foreign graduates to receive a visa.

The unprecedented exemptions contained in this bill will only add to the already troublesome task faced by INS to process visas. We should not make a bad situation for U.S. students and the INS even worse by passing this bill with the current exemptions.

The exemptions in the bill and the abundance of IT workers they would create are an irresponsible approach to increasing the cap, especially given the very real existing questions about the true extent of the IT skill shortage.

As we address the needs of the IT industry, in addition to raising the H-1B visa cap, we must place laid off workers in new jobs, enforce our labor laws, and recruit and train more women, minorities, and people with disabilities, so that the current IT workforce gets the pay, benefits, working conditions and job opportunities to which they are entitled.

EXPANDING JOB TRAINING FOR U.S. WORKERS IS CRITICAL AND PROVIDES THE ONLY LONG-TERM SOLUTION TO THIS LABOR SHORTAGE

When we expanded the number of H-1B visas in 1998, we created a modest training initiative funded by a modest visa fee in recognition of the need to train and update the skills of U.S. workers. Today, as we seek to nearly double the number of high tech workers available to American businesses, we must also ensure a significant expansion of career training and educational opportunities for American workers and students.

Now more than ever, the strong employer demand for high tech foreign workers shows that there is an even greater need to train American workers and prepare U.S. students for careers in information technology. Expanding the number of H-1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce.

The magnitude of this need for training is increasing year after year. According to the Information Technology Association of America, roughly two-thirds of unfilled jobs requiring workers with computer-related skills are for technical support staff, such as customer service and help desks, database administrators, web designers, and technical writers. According to the survey's own description of these occupational fields, these positions simply require entry-level and moderate-level skills. We clearly need to greatly accelerate training for all skill levels, not just the most advanced level.

Recent studies have also demonstrated the strong correlation between educational attainment and increases in worker productivity. A year of structured employer-directed training can also produce a substantial increase in productivity.

Congress must help fund such efforts. We cannot turn our backs on American workers and employers who need our help.

Many high-tech companies are investing significant resources in education, and to a limited extent, in training programs. In reviewing these examples, however, it is clear that the focus of their contributions is on education, not worker training.

This effort does not come close to meeting the nation-wide need for investment in training. Only when businesses address the shortage of highly skilled workers as a national problem with a national solution—rather than a company-by-company approach to worker training—will our workforce be able to meet the growing demand for high skills, so that our economy will continue to prosper. The federal government has an obligation to bridge the high tech skill gap which today separates millions of workers from the 21st century jobs they desire.

RAISING NECESSARY FUNDS FOR EDUCATION AND TRAINING

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. The only effective way for Congress and industry to provide sufficient long-term solutions to the high-tech skills shortage is by increasing H-1B visa user fees. We should ensure that 55% of all revenues go to worker training and increased educational opportunities for U.S. students.

We must train at least 45,000 workers a year if we are to responsibly address the need for technological skills. Unfortunately, due to blue slip issues that would arise if the Senate were to propose an increase in H-1B fees, I will not be offering an amendment with such a provision.

However, the Senate should send to the House a request for a modest increase in the H-1B visa fees. An increase in H-1B funds collected is necessary to expand training and education programs. A modest increase in the user fee will generate approximately \$280 million each year compared to current law, which raises less than one-third of this amount. Revenues can be reasonably and fairly obtained by charging \$1,000 per new visa, or visa extension, or request to change employers. As in current law, employers from educational institutions and non-profit and governmental research organizations should remain exempt from all fees.

This fee is fair. Immigrant families with very modest incomes were able to pay a \$1,000 fee to allow family members to obtain green cards. Certainly, high tech companies can afford to pay at least that amount during this prosperous economy.

PROVIDING STATE-OF-THE ART TRAINING FOR 46,000 U.S. WORKERS

With such a reasonable and fair fee structure, the training plan in this

amendment will receive roughly \$154 million to substantially expand the existing program to provide state-of-the-art high tech training for 46,000 workers a year, primarily in high tech, information technology, and biotechnology skills.

It requires the Department of Labor, in consultation with the Department of Commerce; to provide grants to local workforce investment boards in areas with substantial shortages of high tech workers. Grants would be awarded on a competitive basis for innovative high tech training proposals developed by the workforce boards collaboratively with area employers, unions, and higher education institutions.

The training proposal builds on the priorities specified in current H-1B law. It will serve those who are currently employed and are seeking to enhance their skills, as well as those who are currently unemployed.

EDUCATIONAL OPPORTUNITIES FOR U.S. STUDENTS MUST BE INCREASED

As we enter the 21st century, careers increasingly require advanced degrees, especially in math, science, engineering, and computer sciences. Eight of the ten fastest growing jobs of the next decade will require college education or moderate to long-term training.

We must encourage students, including minority students, to pursue degrees in math, science, computers, and engineering. Scholarship opportunities must be expanded for talented minority and low-income students whose families cannot afford today's high college tuition costs. According to the National Action Council for Minorities in Engineering, minority retention rates tend to be higher at institutions with high average financial aid awards, and the financial aid is a significant predictor in retaining minority students.

With increased opportunities for scholarships, students completing two-year degrees will be provided with incentives to continue their education and obtain four-year degrees, and retention rates among four-year degree students will be higher.

CONCLUSION

In sum, it would be irresponsible of Congress to address the shortage of high tech workers solely by expanding the number of visas for foreign workers. Immigration is only a short-term solution to the long range, national skill shortage problem.

The U.S. is currently not providing domestic workers with enough opportunities to upgrade their skills so that they can fully participate in the new economy. They deserve these opportunities, and American business needs their talents.

I commend Senators HATCH and ABRAHAM for agreeing to include these training provisions in the bill before us today, and for committing to help bridge the high tech skills gap.

CONGRESS MUST REJECT THE VIEW THAT THE ONLY PRO-IMMIGRANT AGENDA THIS SESSION IS AN H-1B AGENDA

Finally, Congress cannot continue to ignore other equally important immigration issues which are as critical to immigrants in our workforce as H-1B visas are to the information technology industry. Unfortunately, unlike the H-1B issue, these other equally important issues have been ignored by too many members of Congress.

Last year, a broad coalition of immigrant and faith-based groups launched the "Fix '96" campaign to repeal the harsh and excessive provisions in the 1996 immigration and welfare laws, to restore balance and fairness to current law, and to correct government errors which prevent certain immigrants from receiving the services Congress intended.

All of the issues raised in the "Fix '96" campaign are still outstanding. A number of bills, including the Latino and Immigrant Fairness Act, have been introduced proposing solutions to these problems. However, the Republican leadership continues to block action on these important proposals. These issues include parity legislation for Central Americans and Haitians, restoring protections to asylum seekers, restoring due process in detention and deportation policy, restoring public benefits to legal immigrants, and restoring protections to battered immigrant women and children.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the nation's immigration laws. It is good for families and it is good for American business.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that this legislation will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see that both the Latino and Immigrant Fairness Act and the H-1B high tech visa legislation become law this year. I urge my colleagues to give equal priority to these basic immigration issues that affect so many immigrant families in our workforce. The time to act is now, and there is still ample time to act before Congress adjourns.

TRAINING AND EDUCATION PROGRAMS

Mr. KENNEDY. Mr. President, we in the Senate cannot originate a revenue measure to fund the new training and

education program. But it would be a serious mistake to enact a final bill that does not call on employers to pay \$1,000 per visa for the training and education necessary to improve the skills of U.S. workers and students.

Mr. ABRAHAM. I, too, am committed to seeing to it that there is funding for these programs and a \$1,000 fee is appropriate and would accomplish this goal. As the Ranking Member knows, I believe that as far as the shortage of highly skilled workers is concerned, we have both a short term and long term problem, and I believe these programs are an integral part of addressing our long term problem. I very much appreciate your ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership you have shown on these matters. I pledge to work with you, the other Members of this body, the business community, and other affected outside interests to seek ways to help fund these programs consistent with the principle you articulated.

Mr. KENNEDY. In addition, I believe it is important to exclude from that fee any employer that is a primary or secondary education institution, an institution of higher education, as defined in the Higher Education Act of 1965, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization.

Mr. ABRAHAM. I agree with the Ranking Member, and I support his objectives. I will work with Senator KENNEDY to ensure that these institutions are excluded from the imposition of fees.

Mr. KENNEDY. In conclusion, I would simply like to thank Senator ABRAHAM for his ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership he has consistently shown on these issues.

Mr. DOMENICI. Mr. President, I further ask unanimous consent the Senate now lay aside S. 2045 until 9:30 a.m. on Tuesday.

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

VISA WAIVER PERMANENT PROGRAM ACT

Mr. DOMENICI. I ask unanimous consent the Senate proceed to H.R. 3767, the visa waiver bill, and that the substitute amendment, on behalf of Senators ABRAHAM and KENNEDY, which is at the desk, be agreed to, no further amendments or motions be in order, the bill be advanced to third reading, and passage occur imme-

diately following the passage vote on S. 2045.

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

The Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise to support the passage of H.R. 3767, the Visa Waiver Permanent Program Act. This legislation, as amended, is important not only because it facilitates travel and tourism in the United States, thereby creating many American jobs, but also because it benefits American tourists who wish to travel abroad, since visa requirements are generally waived on a reciprocal basis.

The Visa Waiver Pilot Program authorizes the Attorney General to waive visa requirements for foreign nationals traveling from certain designated countries as temporary visitors for business or pleasure. Aliens from the participating countries complete an admission form prior to arrival and are admitted to stay for up to 90 days.

The criteria for being designated as a Visa Waiver country are as follows: First, the country must extend reciprocal visa-free travel for U.S. citizens. Second, they must have a non-immigrant refusal rate for B-1/B-2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year. Third, the countries must have or be in the process of developing a machine-readable passport program. Finally, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

Countries are designated by the Attorney General in consultation with the Secretary of State. Nations currently designated as Visa Waiver participants are Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay. Greece has been proposed for participation in the program.

The Visa Waiver Pilot Program was established by law in 1986 and became effective in 1988, with 8 countries participating for a period of three years. The program has been considered successful and as such has been expanded to include 29 participating countries. Since 1986, Visa Waiver has been reauthorized on 6 different occasions for periods of one, two, or three years at a time.

The time has come to make the Visa Waiver Pilot Program permanent and, in the process, to strengthen further current requirements. That is the pur-

pose of this bill, which has been amended and worked out jointly with our House counterparts, in particular House Immigration Subcommittee Chair LAMAR SMITH, who I thank for his work on this bill. This legislation is very close to S. 2376, the Travel, Tourism, and Jobs Preservation Act, which I introduced earlier this year with Senators KENNEDY, LEAHY, DEWINE, JEFFORDS, AKAKA, GRAHAM, GRAMS, MURKOWSKI, and INOUE, all of whom I thank for their support.

The legislation we are about to pass would accomplish a number of things.

First, it would make the Visa Waiver Pilot Program permanent. This is important since no serious disagreement exists that the program should continue in place for the foreseeable future, and no significant problems have been raised with the fundamentals of how it has been operating for the past 14 years. To the contrary, failure to continue the program would cause enormous staffing problems at U.S. consulates, which would have to be suddenly increased substantially to resume issuance of visitor visas. It would also be extremely detrimental to American travelers, who would most certainly find that, given reciprocity, they now would be compelled to obtain visas to travel to Europe and elsewhere. Finally, there are costs to continuing to reauthorize the program on a short-term rather than a permanent basis, as it periodically creates considerable uncertainty in the United States and around the world about what documents travelers planning their foreign travel have to obtain.

Second, the current requirement that countries be in the process of developing a program for issuing machine-readable passports will be replaced with a stricter requirement that all countries in the program as of May 1, 2000 certify by October 1, 2001 that they will have an operational machine-readable passport program by 2003 and that new countries have a machine-readable passport program in place before becoming eligible for designation as a Visa Waiver country. The bill also establishes a deadline of October 1, 2007 by which time all travelers must have machine-readable passports to come to the United States under Visa Waiver. The judgment of everyone involved in these issues is that the technology is now sufficient that it is time for everyone to move from the concept and planning stages to the prompt implementation of these requirements.

Finally, the legislation, altered from the House-passed version, would allow for an "emergency termination" by the Attorney General, in consultation with the Secretary of State, of a country's Visa Waiver designation in an extreme and unusual circumstances. These circumstances are a "war (including undeclared war, civil war, or other military activity on the territory of

the program country; a severe breakdown in law and order affecting a significant portion of the program country's territory; a severe economic collapse in the program country; or any other extraordinary even in the program country that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States.)" Considering the impact of such a termination on U.S. foreign policy interests and the conduct of the State Department itself, it is my belief that the Secretary of State would exert considerable authority in determining whether such an "emergency termination" was warranted.

Mr. President, I urge passage of this legislation.

Mr. KENNEDY. Mr. President, I am proud to join Senator ABRAHAM, Senator LEAHY, and others in cosponsoring the Travel, Tourism and Jobs Presentation Act. This measure will reauthorize the Visa Waiver Program and make it permanent.

This visa waiver program allows individuals from designated low risk, high volume countries to enter the United States as temporary visitors for business or pleasure without first obtaining a visa. Individuals visiting the United States under the visa waiver program must complete an admission form prior to arrival. Their visit may last only ninety days, with thirty days extensions allowed only in the case of emergency. Countries participating in the visa waiver program must meet certain requirements, such as possessing a low non-immigrant refusal rate for B-1/B-2 visas and utilizing, or currently developing, a machine readable passport program. Finally, the Attorney General must determine that each country's participation in the program will not compromise United States law.

By eliminating the visa requirement, the visa waiver program facilitates international travel and increases the number of visitors for business and tourism. These effects generate economic growth and stimulate international trade and commerce. According to the INS, over 17 million visitors to the United States arrived under the visa waiver program in FY 1998. The program is strongly supported by the State Department because it reduces consular workloads, allowing the officers to shift staff and scarce resources to other pressing matters, as well as reducing costs.

Despite operating efficiently and providing enormous benefit to the United States economy and the State Department for the past eleven years, the visa waiver program remains a pilot program. This bill reauthorizes this important program and makes it permanent.

This legislation also strengthens security precautions under this program

by requiring participating countries to incorporate machine readable passport programs by October 2003 and nationals from these countries to possess readable passports by 2008. In addition, the Attorney General, in consultation with the Secretary of State, must continue to evaluate the effect of a new country's inclusion in the visa waiver program on law enforcement and national security. Continuing countries in the program are evaluated every five years.

I am especially pleased that Portugal was recently added to the visa waiver program. Travel between our two countries is significantly easier because cumbersome paperwork and delays have been eliminated—obstacles that needlessly prevented Portuguese families from visiting their loved ones here in the United States. Portugal's inclusion in the Program will benefit thousands of Portuguese families in Massachusetts and around the nation.

Although I strongly support this important bill, I have very serious concern about the amendment that Senator HELMS has offered amending the Conyers provision of the visa waiver bill. Representative CONYER's provision simply states that visas that are wrongfully denied based on race, sex, disability or other unlawful grounds cannot be included in computations determining a country's admission into the visa waiver program. The amendment Senator HELMS offers pertaining only to the Conyers provision. It seeks to preclude judicial review of any visa denying visas, denial of admission to the United States, the computation of visa refusal rates, or the designation or non-designation of any country.

I have reluctantly agreed to it because it is surely symbolic and will have no practical legal effect. Under current law, consular visa determinations, the denial of admission under the visa waiver program, or determinations regarding designation of a country into the visa waiver program are not subject to court review.

Nonetheless, court stripping provisions, whether symbolic or not, are anathema to our judicial system. I thought that Republicans had learned the importance of judicial review in the Elian Gonzalez case. Such provisions allow life-shattering determinations to be made at the unreviewable discretion of an administrative functionary. The most fundamental decisions are being made on the basis of a cursory review of a few pages in a file, or a perfunctory interview, without the possibility of any appeal or judicial review. This is a recipe for disastrous mistakes and abuse.

This excellent program has been a pilot program for too long. Its enormous benefits to the United States economy and the efficiency it creates for the federal government are obvious. It is time we make this light of this fact and make this important program

permanent. I urge all of my colleague to support this important bill.

Mr. LEAHY. Mr. President, this bill addresses a critically important issue: the preservation of our visa waiver program. I am a cosponsor of the Senate version of this bill, and I strongly recommend the passage of H.R. 3767.

This legislation will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The pilot project expired on April 30, and I had sought passage of S. 2367, which is incorporated into the bill we consider today, before that expiration date. Indeed, I encouraged the discharge of this bill from the Judiciary Committee in April so that the Senate could act upon this highly time-sensitive matter. Unfortunately, this bill was instead held hostage to other issues. Fortunately, the Administration extended the program administratively until the end of May, but despite my best efforts we failed to meet that deadline as well. As a result, the program was extended until the end of June, but once again the Senate did not meet the deadline. The Administration then extended the program through July, sparing thousands of American tourists and international business travelers tremendous inconvenience and cost during the busy summer traveling season. Before the August recess, we once again failed to act on this legislation, forcing the Administration to extend it again. It is now well past time to end this charade, pass this bill, and send it back to the House for its final approval.

Rather than simply pass another extension of the pilot program, it is time to make this program permanent—it has stood the test of time for well over a decade. In order to address any security concerns about making the program permanent, the requirements placed upon participating countries have been tightened. Indeed, countries wishing to participate in the visa waiver program must meet each of the following four criteria: the participating country must allow U.S. citizens to travel without a visa; the country must have a nonimmigrant refusal rate for B-1/B-2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years,

with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year; the country must already possess or be in the process of developing a machine-readable passport program; and, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

The visa waiver program provides substantial benefits to both the American tourism industry and to Americans traveling abroad. I urge the Senate to make it permanent.

Although I am a strong supporter of the bill, I must speak out against the amendment that has been inserted into the bill by Senator HELMS. This amendment states that under a certain paragraph of this bill, no court will have jurisdiction to review any visa refusal based on race, sex, or disability. It is my understanding that this provision has no practical effect, since affected foreign nationals would not be able to bring such a claim in an American court in the first place. Because it is effectively a dead letter, and because of the importance of the visa waiver program and other amendments to this bill, I have chosen not to assert rights and deny unanimous consent. But this provision is offensive to our legal traditions. I have consistently opposed attempts to strip courts of authority to resolve immigration matters, and I am particularly opposed to such attempts where the stripping is directed specifically toward claims asserting discrimination. Judicial review is a critical part of American law, and we should not be impinging upon it—symbolically or otherwise.

Finally, passage of this bill should not be misinterpreted as a signal that this Congress has dealt fairly or adequately with immigration issues. There is still so much to do in the little time we have left, from passing the Latino and Immigrant Fairness Act—to dealing with the aftereffects of the immigration legislation this Congress passed in 1996. In particular, I would call again for hearings on S. 1940, the Refugee Protection Act. This is a bill I introduced with Senator BROWNBACK and a number of other Senators that would undo the damage that has been done to our asylum process by the implementation of expedited removal. I believe it, like so many immigration issues that have been ignored for the last 21 months, deserves the attention of this Congress.

The amendment (No. 4276) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 3767) was ordered to a third reading and was read the third time.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on H.R. 4733 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year 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 report was printed in the House proceedings of the RECORD of September 27, 2000.)

Mr. DOMENICI. Mr. President, I ask that the Senate now turn to consideration of the conference report accompanying the fiscal year 2001 Energy and Water Development Act. Earlier today, the House passed the conference report by a vote of 301 to 118, and I hope the Senate will also overwhelmingly support the conference report. I am very pleased that we are able to get this very important conference report to the floor, given the difficulties affecting more appropriations bills this time of year. Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairman were very supportive and have provided the additional resources at conference that were necessary to address many priority issues for Members. They have allowed the House to come up \$630 million to the Senate number on the defense allocation \$13.484 billion, and the Senate non-defense allocation has increased by \$1.1 billion.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides \$4.5 for Army Corps of Engineers water projects, an increase of \$400 million over the Senate and \$383 over the President's Request.

The increased resources have allowed us to get started on the very highest priority new starts in 2001—something we were not able to do under our original allocation.

The conference report provides \$3.20 billion for DOE Science, an increase of \$330 million over the Senate and \$420 million over last year. We heard from many members over the last few

months about providing more money for science and I am pleased we were able to heed their concerns and make significant investments in our future.

On the defense side, the conference report provides \$5 billion for nuclear weapons activities, an increase of \$150 million over Senate and \$600 million over last year.

On clean-up, we have been able to continue to provide the environmental clean-up money that is so important to many of our members across the country. The conference report provides \$6.1 billion, and increase of \$390 million over last year.

We do have a few controversial provisions in this bill. The conference report includes a provision that we have carried for several years that would prohibit the use of funds to revise the Missouri River Master Manual if such would result in increased springtime flood risk on the lower Missouri River. I know the administration has threatened a veto on this issue, and I take that seriously. But, we have been unable to forge an acceptable compromise and have insisted that the provision remain in the conference report just as it passed the Senate floor. Although there are other issues the administration has raised, we have made a good faith effort to address their concerns were possible. I believe we have a good bill that the President will sign.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Mr. CRAIG. Mr. President, would the distinguished chairman of the Senate Energy and Water Development Appropriations Subcommittee indulge me in a colloquy for clarification purposes on use of Laboratory Directed Research and Development by Department of Energy national laboratories?

Mr. DOMENICI. I am happy to oblige my friend from Idaho, a valuable member of the Energy and Water appropriations subcommittee.

Mr. CRAIG. When DOE's Environmental Management budget request for FY 2001 was submitted to Congress earlier this year it continued a restriction on the use of DOE environmental management funds for LDRD purposes carried over from FY 2000. The EM restriction of LDRD was subsequently rescinded by OMB later in the year at strong urging by numerous Senators including myself. Subsequently, the Senate Defense Authorization and the Senate Energy and Water Development Appropriations bills directed that DOE return LDRD to full scope, to include use of EM funds. The Senate Defense Authorization bill permits use of LDRD up to 6%; and this conference report also permits use of LDRD funds at 6%. Is this the Chairman's understanding?

Mr. DOMENICI. The gentleman from Idaho is correct.

Mr. CRAIG. As the distinguished chairman of the subcommittee knows

from the Department's testimony including Secretary Richardson and Dr. Carolyn Huntoon, EM Assistant Secretary, the Administration, with significant encouragement from the Congress, is now on record in support of restoring EM programs as a funding source for LDRD in 2001.

Mr. DOMENICI. That is correct. That has been a factor in the Conference Committee's considerations.

Mr. CRAIG. Would it be fair then to assume that all 2001 laboratory planning budgets prepared while the EM restriction was in place would be impacted by removal of the LDRD restriction?

Mr. DOMENICI. That would be an accurate assumption.

Mr. CRAIG. Is it the Chairman's view that permission to derive LDRD funds from EM sources should be granted to all National laboratories under the new authority established in this bill?

Mr. DOMENICI. Yes, that is my view and the view of the Committee.

Mr. CRAIG. Does the Chairman see any circumstances to justify granting this authority to some of the laboratories but not to others?

Mr. DOMENICI. I see no conditions under which I or the Committee would support any effort by the Administration to withhold this authority from any laboratory, including the EM lead laboratory in Idaho.

Mr. CRAIG. I thank the gentleman from New Mexico.

YELLOWSTONE ENERGY AND TRANSPORTATION STUDY

Mr. CRAPO. I would like to engage the distinguished Senator from New Mexico, Mr. Domenici, in a colloquy regarding the Greater Yellowstone-Teton energy and transportation systems study and the International Centers for Environmental Safety, ICES.

Mr. DOMENICI. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the energy and water appropriations subcommittee knows, the pending conference report does not provide funds for the Yellowstone energy and transportation study. It is my understanding the Department of Energy supports this study and the Department may provide funds to support the Idaho National Engineering and Environmental Laboratory's participation in this effort. If DOE makes a decision to provide funds for this study, would the chairman support that decision?

Mr. DOMENICI. I would agree that funding for this important study would be appropriate.

Mr. CRAPO. As the senior Senator from New Mexico knows, the ICES program was formed last year through a joint statement signed by Secretary Richardson and the Minister for Atomic Energy of the Russian Federation, Yevgeny Adamov. The centers were created to provide a mechanism for technical exchange and effective col-

laboration between the DOE and Minatom on matters of environmental safety in both countries. The U.S. Center is managed by the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory. In Russia, the Ministry for Atomic Energy operates the Center in Moscow. Both work collaboratively to ensure overall ICES success in reducing environmental threats and costs.

Mr. DOMENICI. That is my understanding.

Mr. CRAPO. Report language in the FY2001 Senate Energy and Water Development bill supports DOE's efforts to use the experience and expertise of scientists of the former Soviet Union to address waste management and environmental remediation challenges within the DOE complex. Isn't it also true that the centers are intended to facilitate international collaboration to address environmental and nuclear safety issues important to the national security?

Mr. DOMENICI. The Senator from Idaho is correct in his understanding. I would add that committee saw fit to support the International Nuclear Safety Program at the President's requested level of funding. This includes funding for the Russian and U.S. centers.

Mr. CRAPO. I thank the Senator from New Mexico.

HOPi-WESTERN NAVAJO WATER DEVELOPMENT STUDY

Mr. KYL. Mr. President, the conference report to H.R. 4733 provides \$1 million for the Bureau of Reclamation to initiate a comprehensive Hopi-Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on these reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the Federal Government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a

private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

NIF STUDIES

Mr. HARKIN. Mr. President, I ask the distinguished chairman and ranking member to engage in a brief colloquy on the National Ignition Facility. The bill as it passed the Senate requested a study by the National Academy of Sciences of a number of issues regarding the National Ignition Facility. The current bill and conference report language require reviews of several issues, including the need for the facility, alternatives to NIF, consideration of starting with a smaller facility, and planning for the Broader stockpile stewardship program. All these elements are important, but the bill does not specify how these reviews are to be conducted.

Previous supposedly independent DOE reviews of NIF have been strongly criticized in the recent GAO report and in a recent article in the journal *Nature*, and have even been subject to lawsuits for violating the Federal Advisory Committee Act. I believe it is critical for the credibility of these reviews that they be conducted by an independent body, such as the National Academy of Sciences, and that they be organized as independent studies under FACA rules. This is a troubled program, and we need the very best thought of independent experts to help us get it back on track or to scale it back as needed.

Mr. REID. Mr. President, I agree with my colleague and want to emphasize how important it is to Congress that these be outside, independent reviews. DOE has unfortunately lost credibility on this issue and needs to bring in outside experts to regain it. I have already conveyed my expectations on this point to Madelyn Creedon and am happy to join my colleagues in clarifying this today.

Mr. DOMENICI. Mr. President, our country has very important needs that many hope NIF can solve. The credibility of outside experts will be crucial as we consider the future of this program.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. DOMENICI. I now ask unanimous consent the vote occur on the adoption of the conference report at 5:30 p.m. on Monday.

Mr. REID. Reserving the right to object, I say to my friend from New Mexico, I am disappointed that we are not

voting on this tonight. I think it would be an opportunity to get a bill to the President's desk and speed up things around here. I think it is a shame we are waiting until 5:30 Monday night. It is going to consume too much time in the process.

I hope whoever has caused this, whoever that might be who is responsible, recognizes that they are responsible for slowing up what goes on around here. We have to move these appropriations bills. Senator DOMENICI and I and especially our staffs have worked night and day all this past week, and I literally mean night and day. We were looking forward to completing this bill tonight.

Having said that, I have no objection.

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

Mr. DOMENICI. Mr. President, I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

U.S.-CUBA RELATIONS

Mr. ROBERTS. Mr. President, I would like to bring to the attention of the Senate a relatively new organization designed to enhance U.S.-Cuba relations. The Alliance for Responsible Cuba Policy was created in early 1998 to foster better political, economic and cultural relationships between our country and Cuba. Its board is comprised of distinguished Americans, including some of our former colleagues in the Congress.

Clearly the time has come to bring "responsibleness" to the debate regarding U.S.-Cuba relations.

The Alliance has briefed me and my staff regarding their first-hand experience in Cuba. I encourage them to continue their fact finding and information gathering missions to Cuba.

I ask unanimous consent to have printed in the RECORD an Activities Report of the Alliance.

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

ALLIANCE FOR RESPONSIBLE CUBA POLICY ACTIVITIES REPORT—FACT-FINDING MISSION; REPUBLIC OF CUBA, JULY 10-12, 2000

This report summarizes the activities of a fact-finding mission to the Republic of Cuba

conducted on July 10-12, 2000. The fact-finding mission was organized by the Alliance for Responsible Cuba Policy (the "Alliance"), a non-partisan, non-profit organization incorporated in the District of Columbia. The delegation included former Congressman Beryl Anthony, partner, Winston & Strawn; Mr. Albert A. Fox, Jr., President of the Alliance, Mr. Paul D. Fox, Vice-President Atlantic Region, Tysons Food, Inc. and Managing Director, Tyson de Mexico; Ms. Nanette Kelly, President and Mr. John Spain, Managing Director, The Powell Group of Baton Rouge, Louisiana; Mr. Edward Rabel, former news correspondent with CBS and NBC, and currently Senior Vice President of Weber McGinn; and Gregory J. Spak, partner, White & Case LLP.

This fact-finding mission was the second such trip organized by the Alliance. The first mission occurred on September 26-29, 1999. An Activities Report related to that mission is available from the Alliance's web site at www.responsiblecubapolicy.com.

During the July 10-12, 2000 mission, the delegation met with the following persons and entities in Cuba:

Ministry of Foreign Trade
Ministry of Science, Technology, and Environment

Ministry of Agriculture
Ministry of Foreign Investment and Economic Cooperation

Mr. Ricardo Alarcon de Quesada, President of the National Assembly
Ministry of Justice

The following summarizes the discussion at each of these meetings.

MINISTRY OF FOREIGN TRADE

The delegation met with Maria de la Luz B'Hamel, Director of the North American Division of the Foreign Trade Ministry, and with Mr. Igor Montero Brito, Vice President of ALIMPORT. Ms. B'Hamel's division is responsible for international trade issues relating to the United States and Canada, and the Foreign Trade Ministry in general has jurisdiction over all foreign trade issues, including issues arising in the World Trade Organization and other international and regional trade agreements. Ms. B'Hamel noted that Cuba is a founding member of the General Agreement on Tariffs and Trade ("GATT") and the World Trade Organization ("WTO").

The Foreign Trade Ministry has a practical role in foreign trade through its authority to grant licenses to Cuban enterprises engaging in international trade. Ms. B'Hamel described two important trends that have emerged since the dissolution of the Soviet Union and the resulting rupture of Cuba's traditional trading relationships:

(1) Diversification of Cuba's foreign trade. Currently, Cuba's two largest trading partners are Spain and Canada, and no more than 10-12 percent of Cuba's trade is with any one country. As part of this diversification process, Cuba has been negotiating trade agreements with its regional trading partners in order to promote Cuba as a strategic bridge to the Caribbean region.

(2) Decentralization of foreign trade issues. Ms. B'Hamel stated the Foreign Trade Ministry is deemphasizing its direct involvement in international trade transactions, and is assuming more of a trade regulation role. Companies engaged in foreign trade today in Cuba include state enterprises, private enterprises, and international joint ventures or branch offices of foreign companies. More than 250 private and state enterprises are actively engaged in foreign trade, and there are approximately 600 Cuban branch offices of foreign companies engaged in trade in Cuba.

Ms. B'Hamel explained that, since 1994, Cuba has experienced steady improvement in foreign trade and GDP growth. Her Ministry forecasts continued GDP growth, even assuming no relaxation of U.S.-imposed trade restrictions. She stated that the U.S. trade restrictions (which she called the "blockade") have affected Cuba, but that other trends in business and world trade were creating new opportunities for the Cuban economy.

One particularly dynamic sector of the Cuban economy is tourism, which is growing by 16-20 percent per year. These statistics do not include U.S. tourists, which Ms. B'Hamel estimates to have numbered approximately 180,000 last year. She noted that this increase in tourism will have a ripple effect on the Cuban economy and will increase the demand for food goods, and other services.

Mr. Igor Montero explained that ALIMPORT is the principal Cuban state enterprise dedicated to importing foodstuffs into Cuba and distributing imports to the public. ALIMPORT is dedicated almost exclusively to the primary foodstuffs which are considered to be staples of the Cuban diet (e.g., rice, beans, etc.). Cuba currently imports approximately \$1 billion in foodstuffs annually, \$650 million of which is imported through ALIMPORT. Principal food imports are wheat, soybeans, and rice.

Cuba currently is importing approximately 400,000 metric tons of rice per year, principally from China, Thailand, and Vietnam. Delivery time for rice imported from these countries is approximately 60 days, and the quality is considered only fair. Mr. Montero acknowledged that transportation costs to acquire this rice represent a significant expenditure.

Mr. Spain, whose Louisiana-based company, the Powell Group, is involved in the rice milling business, pointed out that his company used to supply rice to Cuba before the U.S. trade restrictions. While clarifying he was not in Cuba to develop business. Mr. Spain noted that his company could supply high-quality rice to Cuba with a turnaround time (from order to delivery) of approximately one week and insignificant freight costs.

* * * * * MINISTRY OF SCIENCE, TECHNOLOGY, AND ENVIRONMENT

The delegation met with a number of representatives from this Ministry ("CITMA"), including the Minister, Dr. Rosa Elena Simeón Negrin. Dr. Simeón described the Ministry's creation in 1994 as a result of the reorganization and consolidation of other Cuban ministries. Dr. Simeón distributed to the delegation the following publications regarding the Ministry's activities (1) "Law of the Environment"; (2) "Cuba Foreign Investment Act of 1995"; and (3) "National Environmental Strategy." These documents are available from the Alliance upon request.

Much of the discussion focused on environmental issues. Dr. Simeón noted the importance of environmental education to the Ministry's mission. She described the results of a recent survey revealing that although 73 percent of the Cuban population recognize the threat to the environment, only 30 percent believe they can improve environmental conditions through their own actions. The Ministry is attempting to increase awareness among the Cuban population of the role the individual plays in improving the environment.

Dr. Simeón also portrayed alternative fuels as an important focus of the Ministry's

efforts. Approximately 5,000 facilities in the mountain areas of the country operate with solar energy, but the solar energy panels necessary to continue the development of this energy source are prohibitively expensive. Notwithstanding the cost, the Ministry is committed to solar energy.

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MINISTRY OF AGRICULTURE

The delegation met with Dr. Alfredo Gutierrez Yanis, Vice Minister of Agriculture, and several other officials from the Ministry. Dr. Gutierrez explained that Cuba's traditional relationship with the Soviet Union had allowed for a stable agriculture policy. Cuba exported sugar and citrus to the Soviet Union and Soviet bloc countries, and imported machinery, fertilizer, and pesticides from those countries. Ten years after the dissolution of the Soviet Union, Cuban agriculture is in the midst of a recovery program (known as the "proceso de Recuperacion en Agricultura" or the "Agriculture Recovery Process"). Recovery has been uneven, however, with some sectors advancing beyond pre-crisis performance levels (notably vegetable production) and others continuing to experience difficulties (poultry, livestock, and rice production).

Dr. Gutierrez offered poultry products as an example of a sector that has not recovered. Prior to 1991, the Cuban per-capita annual egg consumption was 230, nearly double the current per-capita rate. Similarly, Cuban agriculture once produced approximately 117,000 tons of chicken meat annually, but now can only produce approximately 30,000 tons. Cuba has been forced to import chicken meat, with Canada emerging as the principal supplier. Dr. Gutierrez attributed the decrease in chicken and egg production to lack of available feed. This lack of feed results from both the disruption in the traditional trading relationship with the Soviet Union, and changes in the economic restrictions imposed by the United States. During the 1980s, Cuba imported approximately 2 million tons of feed, and reported much of this was purchased from foreign subsidiaries of U.S. companies. After the enactment of the Toricelli Act, the value of this trade dropped from \$400 million per year to approximately \$1 million. Also, the provisions of U.S. law restricting access to U.S. ports for those vessels which have engaged in commercial activity in Cuba to obtain feed at a reasonable price.

With respect to milk, Dr. Gutierrez reported that for all practical purposes, the dairy herds ceased to produce when grain was no longer available for feeding. Many cows died of starvation and others were slaughtered while still at a productive age. The Cuban Government has since developed a breed of dairy cow that is $\frac{3}{4}$ Holstein and $\frac{1}{4}$ Zebu in order to facilitate milk production without excessive grain consumption, but current productivity per head has declined with these genetic changes. The Government is importing powdered milk, but not in sufficient quantities. One of the delegation members touring a neighborhood away from the tourist areas was told that the milk formula sold in state stores is supposed to be consumed exclusively by children from 3 to 7 years old.

Dr. Gutierrez also mentioned difficulties in the rice sector, in that Cuba has been forced to import most of its rice from distant sources, thereby increasing costs and lowering quality of the rice. The Ministry would like to see an increase in local rice production, and a corresponding reduction in imports to approximately 200,000 tons per year.

Dr. Gutierrez feels that this would permit a per-capita rice consumption of approximately 50 kilograms.

Dr. Gutierrez cited pork and citrus production as two examples of a successful recovery. Citrus production has recovered and could increase if new markets were opened for Cuban citrus goods. Israel is providing assistance to the Cuban Government on citrus production, and an Italian firm is helping with production of citrus derivation products.

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Dr. Gutierrez described developments he believes will help the Cuban agricultural sector continue its post-crisis recovery. First, state farms play a less significant role in the agricultural sector, with the percentage of farm land cultivated by state farms reduced from 67 percent to approximately 33 percent. Thus, according to Dr. Gutierrez, approximately two-thirds of the land is being cultivated today by small private companies and cooperatives. When asked how the small companies and cooperatives sell their crops, he replied that it would be typical for such companies and cooperatives to contract with a Cuban state enterprise for a specific supply quantity, and that the companies and cooperatives would then be free to sell any additional production privately.

Secondly, individual farmers now operate in a relatively free market, and are permitted to farm areas of 75 hectares (approximately 200 acres). Nearly 800,000 hectares (approximately 2 million acres) are now in the hands of individual farmers. The farmers do not own the land (land ownership is reserved to the state), but they are allowed to cultivate the land and are entitled to sell the production as they wish. Many of these farmers have formed privately-operated cooperatives.

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MINISTRY OF FOREIGN INVESTMENT AND ECONOMIC COOPERATION

The delegation met with Mr. Ernesto Senti Endarias, First Vice Minister of the Ministry of Foreign Investment and Economic Cooperation, and various members of his staff. According to Vice Minister Senti, the Cuban economy is in its fifth year of a gradual economic recovery, and foreign investment has played an important role in this recovery. Sales from enterprises resulting from direct foreign investment account for approximately 3-4 percent of the Cuban GDP, nearly twelve percent of all exports, and such enterprises employ approximately one percent of the labor force.

Direct foreign investment is affecting various sectors of the Cuban economy, including (1) tourism, (2) heavy industry (petroleum (especially deep-water drilling)), (3) mining, (4) light industry, (5) telecommunications, (6) energy (especially alternative sources), (7) sugar (especially derivatives from sugar production), and (8) agriculture. Only three sectors are not open to direct foreign investment health, education, and national security. Fifty-two percent of direct foreign investment is from countries in Europe, particularly Spain and France.

Vice Minister Senti believes that direct foreign investment in Cuba will continue to grow. He observed the companies investing in Cuba typically are large companies, and these companies exhibit a high level of professionalism in their business ventures, which is beneficial for Cuba. In return, Cuba offers foreign investors highly-trained workers, political stability, and a government in-

terested in helping companies that are willing to help Cuba.

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PRESIDENT RICARDO ALARCÓN DE QUESADA

The delegation met with Mr. Ricardo Alarcón de Quesada, President of the National Assembly, former foreign minister and former ambassador to the United Nations. The discussion with President Alarcón was wide-ranging, and he was forthcoming on all issues raised by the delegation. He showed particular interest in the status of the various legislative proposals in the U.S. Congress that might permit the sale of U.S. food and medicine to Cuba. When asked whether Cuba would commit to purchasing U.S. food and medicine after the legislation passed, he stated Cuba would like to do so, but ultimately it would depend on the text of the legislation and on timing. He explained they were monitoring the various versions of the legislation and that certain provisions (especially the increased restriction on travel and the limited duration of the export licenses) might make purchasing U.S. food and medicine difficult.

The Alliance then briefed President Alarcón on the upcoming visit by Senators Pat Roberts and Max Baucus. The Alliance explained the importance of these senators to any passage of legislation regarding the sale of food and medicine to Cuba. President Alarcón expressed his pleasure in visiting with the Alliance again.

MINISTRY OF JUSTICE

The delegation met with Lic Robert Díaz Sotolongo and other members of the Ministry. Mr. Díaz began the meeting by stating his satisfaction with the manner in which the United States and Cuba were able to resolve the recent controversy regarding Elián Gonzalez. He noted that this is a visible and helpful example of how the two governments and their societies can interact successfully despite differences of opinion.

Mr. Díaz then directed the discussion toward drug interdiction, another area in which he believes Cuba and the United States can increase cooperation. He noted that in the last meeting with the Alliance, the Cuban Department of Justice had asked for assistance in facilitating the placement of a U.S. Coast Guard representative to the U.S. Interest Section in Havana to help increase cooperation on drug interdiction. He thanked the Alliance for its assistance, noting with satisfaction that the U.S. Coast Guard representative had arrived in Havana. Mr. Díaz went on to describe the celebrated case of the "Limerick," a Belize-flagged vessel that began to sink in Cuban waters in 1996. The cooperation of British, American, and Cuban officials led to the discovery on the vessel of six tons of cocaine believed destined for the United States. The Cuban officials turned over the drugs and the persons involved to the U.S. authorities and actively assisted in the successful prosecution of the individuals traveling to the United States to testify in the criminal trial.

* * * * *

OBSERVATION

All the Cuban Government officials and the Cuban people with whom we visited were friendly and answered our questions in a forthright manner. They made it clear they have no ill feeling toward the American people or the U.S. form of government. They expressed bewilderment that the U.S. maintains its economic sanctions against Cuba despite other developments, including the normalization of U.S. trade relations with

China, Vietnam, and North Korea, the increasing foreign investment in Cuba by the rest of the world (especially Europe and Canada), and the overwhelming U.S. public opinion in favor of removing the sanctions.

The Alliance is grateful for the opportunity to have concluded a second successful fact-finding mission to Cuba, and intends to continue this process. The Alliance is convinced that the U.S. trade restrictions must end and that we must deal with the Cuban Government as it is, not as we wish it to be.

THE NEED TO PASS THE VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I want to take a moment to once again ask the majority to immediately bring S. 2787, the Violence Against Women Act of 2000, VAWA II, to the floor for a vote.

Yesterday the President wrote to the Majority Leader urging passage of VAWA II this week. This is a top priority not only for the Administration but for the Nation. The President wrote: "The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress." The President is right.

This Tuesday the House of Representatives overwhelmingly passed the reauthorization of the Violence Against Women Act by a vote of 415 to 3. I commend the House for finally acting on this important legislation. Many of us have been urging Senate action on legislation to reauthorize and improve the Violence Against Women Act for months. We have been stymied by the Republican leadership.

I also would like to thank my friend Senator JOE BIDEN, for his leadership on this issue. He has been a champion for victims of domestic violence for many years. He was pivotal in the enactment of the Violence Against Women Act almost a decade ago. He has been tireless in his efforts this year. It is time for the Senate to take up S. 2787, review and accept the consensus substitute and move to final passage. It could be done this week—today. Senator BIDEN has offered to proceed on a clean bill within 10 minutes and he is right.

I regret to have to remind the Senate that the authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on Saturday, September 30, 2000. This is outrageous. This should be consensus legislation, bipartisan legislation. With a straight up or down vote I have no doubt that our bill will pass overwhelmingly. Playing partisan or political games with this important legislation is the wrong thing to do and this is the wrong time to be playing such games.

"Gotcha" games have no place in this debate or with this important

matter. The Violence Against Women Act II is not leverage or fodder but important legislation with 71 Senate co-sponsors.

There is and has been no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the "poison pill" represented by the version of bankruptcy legislation currently being advanced by Republicans and to other matters.

I received today a letter from the Pat Ruess of the NOW Legal Defense and Education Fund that emphatically makes the point the VAWA is not "cover" for other legislation that hurts women. She is right. The bankruptcy bill as the Republicans have designed it is opposed by the National Partnership for Women and Families, the National Women's Law Center, the American Association of University Women and dozens of women's organization across the country. I hope that the rumors of such an effort by the Republican leadership will prove unfounded and that no such cynical pairing will be attempted. It is destined to fail and only delays and distracts the Senate from what we should be doing—passing VAWA II.

I believe the Senate can and should pass VAWA II as a clean, stand-alone bill, without further delay. That is what Senator BIDEN urged Tuesday.

According to the Bureau of Justice Statistics, almost one-third of women murdered each year are killed by a husband or boyfriend. In 1998, women experience about 900,000 violent offenses at the hands of an intimate partner. The only good news about this staggering number is that it is lower than that of previous years when the number of violent offenses was well past 1 million. I have no doubt this drop in the numbers of victims of domestic violence is due to the success of the programs of the Violence Against Women Act. We should be working to lower that number even further by reauthorizing and expanding the programs of VAWA. The country has come too far in fighting this battle against domestic violence to risk losing it because the Senate does not pass VAWA II or someone wanting to score clever, political points for short term partisan gain.

There is no reason to make this a political battle. We must act now.

I ask unanimous consent to print in the RECORD the President's letter and the September 28 letter from the NOW Legal Defense and Education Fund and a September 17, 1999 letter from the National Partnership for Women & Families, National Women's Law Center and other women's advocacy organizations.

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

THE WHITE HOUSE,

Washington, DC, September 27, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to urge you to bring the reauthorization of the Violence Against Women Act (VAWA) to the Senate floor this week.

An estimated 900,000 women suffer violence at the hands of an intimate partner each year, demonstrating the urgent need for this legislation. Since VAWA was enacted, the Department of Justice and Health and Human Services have awarded approximately \$1.6 billion in Federal grants to support the work of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs in order to combat violence against women. We must reauthorize these critical programs immediately.

As you know, yesterday, the House overwhelmingly passed VAWA reauthorization by a vote of 415-3. In the Senate, VAWA has similar bipartisan support with over 70 co-sponsors. If Congress does not act this week, however, VAWA's authorization will expire on September 30, 2000. The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress.

Sincerely,

BILL CLINTON.

NOW LEGAL DEFENSE AND EDUCATION FUND,

Washington, DC, September 28, 2000.

DEAR SENATOR: The Violence Against Women Act runs out in two days. The Senate must act immediately! Do not let VAWA die—pass S. 2787, the reauthorization of the Violence Against Women Act. The bipartisan VAWA renewal bill, sponsored by Senators Biden and Hatch, has 71 co-sponsors and virtually no opposition. The House passed a similar bill on Tuesday, 415-3. You must demand that this bill comes to the Senate floor today, freestanding and without harmful riders.

It is unacceptable for the Senate to attach VAWA to or partner it with any bill that the President has threatened to veto. One such bill is the Bankruptcy Reform Act, a bill that threatens women's economic security by:

Making it more difficult to file bankruptcy and regain economic stability afterwards.

Pitting women and children who are trying to collect child support against powerful commercial companies trying to collect credit card and other debts.

Punishing honest low income bankruptcy filers while providing cover for individuals convicted of violating FACE (clinic violence protections).

We cannot support a bill that uses VAWA to provide cover for legislation that also hurts women. S. 2787 can be passed under Unanimous Consent today. Please just do it.

Sincerely,

PATRICIA BLAU REUSS,
Vice President, Government Relations.

NATIONAL WOMEN'S LAW CENTER,
NATIONAL PARTNERSHIP FOR
WOMEN & FAMILIES,

September 17, 1999.

Re: S. 625, The "Bankruptcy Reform Act of 1999"

DEAR SENATOR: The undersigned women's and children's organizations write to urge

you to oppose S. 625, the "Bankruptcy Reform Act of 1999."

Hundreds of thousands of women and their children are affected by the bankruptcy system each year as debtors and creditors. Indeed, women are the fastest growing group in bankruptcy. In 1999, over half a million women are expected to file for bankruptcy by themselves—more than men filing by themselves or married couples. About 200,000 of these women filers will be trying to collect child support or alimony. Another 200,000 women owed child support or alimony by men who file for bankruptcy will become bankruptcy creditors.

S. 625 puts both groups of economically vulnerable women and children at greater risk. By increasing the rights of many creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer; they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women who are owed support by men who file for bankruptcy, the provisions fail to ensure that support payments will come first, ahead of the increased claims of the commercial creditors. Some improvement were made in the domestic support provisions in the Judiciary Committee. However, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law. The bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

This Bankruptcy Reform Act will reduce the ability of parents to pay their most important debt—their debt to their children. It is for these reasons that we strongly oppose S. 625 and urge you to oppose it as well.

Very truly yours,

National Women's Law Center.

National Partnership for Women & Families.

ACES, Association for Children for Enforcement of Support, Inc.

American Association of University Women.

American Medical Women's Association.

Business and Professional Women/USA.

Center for Law and Social Policy.

Center for the Advancement of Public Policy.

Center for the Child Care Workforce.

Church Women United.

Coalition of Labor Union Women (CLUW).

Equal Rights Advocates.

Feminist Majority.

Hadassah.

International Women's Insolvency & Restructuring Confederation ("IWIRC").

National Association of Commissions for Women (NACW).

National Black Women's Health Project.

National Center for Youth Law.

National Council of Jewish Women.

National Council of Negro Women.

National Organization for Women.

National Women's Conference.

Northwest Women's Law Center.

NOW Legal Defense and Education Fund.

Wider Opportunities for Women.

The Women Activist Fund.

Women Employed.

Women Work!

Women's Institute for Freedom of Press.

Women's Law Center of Maryland, Inc.

YWCA of the U.S.A.

CONTINUING CLIMATE OF FEAR IN BELARUS

Mr. CAMPBELL. Mr. President, as co-chairman of the Helsinki Commission, I take this opportunity to update my colleagues on the situation in Belarus, as I have done on previous occasions.

The Belarusian parliamentary elections are scheduled for October 15, and unfortunately, they do not meet the basic commitments outlined by the Organization for Security and Cooperation in Europe (OSCE) concerning free and democratic elections. Moreover, many observers have concluded that the Belarusian government has not made real progress in fulfilling four criteria for international observation of the elections: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the parliament that will be chosen in these elections.

Instead, the Helsinki Commission has observed that the Lukashenka regime launched a campaign of intensified harassment in recent days directed against members of the opposition. We have received reports that just last week, Anatoly Lebedka, leader of the United Civic Party, whom many of my colleagues met when he visited the Senate last year, was roughed up by police after attending an observance marking the first anniversary of the disappearance of a leading member of the democratic opposition Viktor Gonchar and his associate, Anatoly Krasovsky. And just a few days ago, we were informed that Belarusian Popular Front leader Vintsuk Viachorka's request for air time on Belarusian television to explain why the opposition is boycotting the parliamentary elections was met with a hateful, disparaging diatribe on the main newscast "Panorama."

This is only the tip of the iceberg—in addition, the Helsinki Commission is receiving reports of detentions, fines and instances of beatings of opposition

activists who are promoting a boycott of the elections by distributing leaflets or other literature or holding meetings with voters. In recent weeks, we have also been informed of the refusal to register many opposition candidates on dubious grounds; the seizure of over 100,000 copies of the independent trade union newspaper "Rabochy"; forceful disruptions of public meetings with representatives of the opposition; an apparent burglary of the headquarters of the Social Democratic Party; a ban of the First Festival of Independent Press in Vitebsk, and recent "reminder letters" by the State Committee on Press for independent newspapers to re-register.

Mr. President, Belarusian opposition parties supporting the boycott have received permission to stage "Freedom March III" this Sunday, October 1. At a number of past demonstrations, police have detained, harassed and beaten participants. Those in Congress who are following developments in Belarus are hopeful that this demonstration will take place peacefully, that authorities do not limit the rights of Belarusian citizens to freedom of association and assembly, and that the Government of Belarus will refrain from acts of repression against the opposition and others who openly advocate for a boycott of these elections.

Mr. President, the Helsinki Commission continue to monitor closely the events surrounding these elections and we will keep the full Senate apprized of developments in the ongoing struggle for democracy in Belarus.

SCHOOL SHOOTINGS

Mr. LEVIN. Mr. President, it is not even one month into the school year and yet school is canceled for the week at Carter C. Woodson Middle School in New Orleans, Louisiana. On Tuesday afternoon, a 13-year-old boy, who had been expelled from school for fighting, allegedly slipped another 13-year-old a .38-caliber revolver. The expelled teen was seen passing the handgun through the school fence to the other 13-year-old, who allegedly used the gun to shoot a 15-year-old schoolmate. According to witnesses, the 15-year-old then managed to get the gun from his attacker and return gunfire.

As a result of this school day skirmish, two teenagers have been hospitalized in critical condition and another teen-ager has been booked on charges of illegally carrying a gun and being a principal to attempted first-degree murder. In addition, the 600 student middle school is in a "cooling off period," meaning classes are canceled for the rest of the week.

It is deeply disturbing that teenagers have such easy access to handguns. The laws in this country make it

illegal for a juvenile to possess a handgun or a person to sell, deliver, or otherwise transfer a handgun to a juvenile. Yet, with so many loopholes in our firearm distribution laws, it is easy for prohibited users, such as young people, to find illegal access to thousands of guns.

Congress can close those loopholes and act to prevent tragedies like the one in New Orleans. With only one week left until the Senate's target adjournment, the time is now. We must pass sensible gun laws and reduce the threat of gun violence in our schools and communities.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read 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 28, 1999:

Stephanie Borjon, 25, Fort Worth, TX; Fransisco Cabera, 17, Oklahoma City, OK; Everett Lee, 27, Detroit, MI; Dennis Mattei, 19, Bridgeport, CT; Ronald L. Pearson, 29, Memphis, TN; Sohan S. Rahil, 65, Bedford Heights, OH; Justin Thomas, 27, Baltimore, MD; Christopher M. Williams, 26, Memphis, TN; Douglas Younger, 43, Houston, TX; and Unidentified Male, Detroit, MI.

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.

EULOGY TO MAUREEN MANSFIELD

Mr. HOLLINGS. Mr. President, Mike Mansfield's eulogy to his wife, Maureen, this past Tuesday at her funeral was simply beauty. It was vintage Mansfield—and any other comment would mar its eloquence. On behalf of the distinguished Senator from Alaska, Mr. STEVENS, and myself, I ask unanimous consent that it be included in the RECORD.

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

EULOGY FOR MAUREEN MANSFIELD DELIVERED BY SENATOR MIKE MANSFIELD, SEPTEMBER 26, 2000

1929

We met—She was 24 and I was 26. She was a high school teacher; I was a miner in the Copper mines of Butte.

She was a college graduate; I had not finished the 8th grade.

She urged me to achieve a better education. I followed her advice and with her help, in every way, we succeeded.

She took me out of the mines and brought me to the surface.

1932

We were married in Missoula during the great depression.

She gave up her teaching job.

She cashed in on her insurance.

She brought what little savings she had and, she did it all for me.

1940

Maureen was very politically oriented—I was not.

She urged me to run for Congress.

We campaigned together.

We finished next to last.

The day after the election she put us on the campaign trail for the next election and we won.

1942

Maureen was largely responsible for our election to the House of Representatives.

Almost every summer she drove herself and our daughter, Anne, to Missoula—5 days and 3,000 miles.

Why? To campaign for us and in

1952

She got us elected to the U.S. Senate.

1977

We decided—after talking it over, to retire.

We did not owe anything to anybody—except the people of Montana—nor did anyone owe anything to us.

1977

President Carter asked me if we would be interested in becoming the U.S. Ambassador to Japan. Maureen thought we should accept and we did and when President Reagan called and asked us to stay, we did for almost 12 years.

1988

Around Xmas Maureen almost literally forced me to go to the Naval Hospital at Yokosuka, which sent me to the Army Hospital at Honolulu, which sent me directly to Walter Reed Army Hospital where I had heart bypass and prostate operations. Again it was Maureen.

1989

We came home.

1998

Illness began to take its toll on Maureen. On September 13, 2000, less than 2 weeks ago, we observed—silently—our 68th Wedding Anniversary.

Maureen and I owe so much to so many that I cannot name them all but my family owes special thanks to Dr. William Gilliland, and his associates, who down through the last decade did so much to alleviate Maureen's pain and suffering at Walter Reed Army Medical Hospital—one of the truly great medical centers in our country.

We also owe special thanks to Gloria Zapata, Ana Zorilla and Mathilde Kelly Boyes and Ramona the "round the clockers" who took such loving care of Maureen for the last two years on a 24 hour day, seven day week basis.

MAUREEN MANSFIELD

She sat in the shadow—I stood in the lime-light.

She gave all of herself to me.

I failed in recognition of that fact until too late—because of my obstinacy, self centeredness and the like.

She sacrificed much almost always in my favor—I sacrificed nothing.

She literally remade me in her own mold, her own outlook, her own honest beliefs. What she was, I became. Without her—I would have been little or nothing. With her—she gave everything of herself. No sacrifice was too little to ignore nor too big to overcome.

She was responsible for my life, my education, my teaching career, our elections to the House and Senate and our selection to the Embassy to Japan.

She gave of herself that I could thrive, I could learn, I could love, I could be secure, I could be understanding.

She gave of her time to my time so that together we could achieve our goals.

I will not say goodbye to Maureen, my love, but only "so long" because I hope the Good Lord will make it possible that we will meet at another place in another time and we will then be together again forever.

SENATE QUARTERLY MAIL COSTS

Mr. McCONNELL. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The third quarter of FY2000 covers the period of April 1, 2000 through June 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106-57, the Legislative Branch Appropriations Act of 2000.

Mr. President, I ask unanimous consent to print the frank mail allocations in the RECORD.

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

Senators	FY2000 of- ficial mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per ca- pita	Cost per capita	
Abraham	\$114,766	0	0	\$0.00	0
Akaka	35,277	0	0	0.00	0
Allard	65,146	0	0	0.00	0
Ashcroft	79,102	0	0	0.00	0
Baucus	34,375	0	0	0.00	0
Bayh	80,377	0	0	0.00	0
Bennett	42,413	0	0	0.00	0
Biden	32,277	0	0	0.00	0
Bingaman	42,547	0	0	0.00	0
Bond	79,102	0	0	0.00	0
Boxer	305,476	0	0	0.00	0
Breaux	66,941	0	0	0.00	0
Brownback	50,118	0	0	0.00	0
Bryan	43,209	0	0	0.00	0
Bunning	63,969	0	0	0.00	0
Burns	34,375	0	0	0.00	0
Byrd	43,239	0	0	0.00	0
Campbell	65,146	0	0	0.00	0
Chafee, Lincoln	34,703	0	0	0.00	0
Cleland	97,682	0	0	0.00	0
Cochran	51,320	0	0	0.00	0
Collins	38,329	0	0	0.00	0
Conrad	31,320	0	0	0.00	0
Coverdell	97,682	0	0	0.00	0
Craig	36,491	3,100	0.00308	612.63	\$0.00061
Crapo	36,491	4,270	0.00424	3,351.95	0.00333
Daschle	32,185	0	0	0.00	0
DeWine	131,970	0	0	0.00	0
Dodd	56,424	0	0	0.00	0
Domenici	42,547	0	0	0.00	0
Dorgan	31,320	0	0	0.00	0

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Durbin	130,125	0	0	0.00	0
Edwards	103,736	0	0	0.00	0
Enzi	30,044	0	0	0.00	0
Feingold	74,483	0	0	0.00	0
Feinstein	305,476	0	0	0.00	0
Fitzgerald	130,125	0	0	0.00	0
Frist	78,239	0	0	0.00	0
Gorton	81,115	320,000	0.06575	59,397.50	0.01220
Graham	185,464	0	0	0.00	0
Gramm	205,051	1,215	0.00007	955.70	0.00006
Grams	69,241	156,322	0.03573	31,676.86	0.00724
Grassley	52,904	0	0	0.00	0
Gregg	36,828	0	0	0.00	0
Hagel	40,964	0	0	0.00	0
Harkin	52,904	0	0	0.00	0
Hatch	42,413	0	0	0.00	0
Helms	103,736	0	0	0.00	0
Hollings	62,273	0	0	0.00	0
Hutchinson	51,203	0	0	0.00	0
Hutchison	205,051	0	0	0.00	0
Ihfofe	58,884	0	0	0.00	0
Inouye	35,277	0	0	0.00	0
Jeffords	31,251	0	0	0.00	0
Johnson	32,185	0	0	0.00	0
Kennedy	82,915	0	0	0.00	0
Kerrey	40,964	0	0	0.00	0
Kerry	82,915	1,135	0.00019	1,003.91	0.00017
Kohl	74,483	0	0	0.00	0
Kyl	71,855	0	0	0.00	0
Landrieu	66,941	0	0	0.00	0
Lautenberg	97,508	0	0	0.00	0
Leahy	31,251	16,630	0.02955	4,088.94	0.00727
Levin	114,766	0	0	0.00	0
Lieberman	56,424	0	0	0.00	0
Lincoln	51,203	1,530	0.00065	390.05	0.00017
Lott	51,320	1,515	0.00059	1,411.99	0.00055
Lugar	80,377	0	0	0.00	0
Mack	185,464	0	0	0.00	0
McCain	71,855	0	0	0.00	0
McConnell	63,969	0	0	0.00	0
Mikulski	73,160	0	0	0.00	0
Moynihan	184,012	0	0	0.00	0
Murkowski	31,184	0	0	0.00	0
Murray	81,115	0	0	0.00	0
Nickles	58,884	0	0	0.00	0
Reed	34,703	0	0	0.00	0
Reid	43,209	0	0	0.00	0
Robb	89,627	0	0	0.00	0
Roberts	50,118	6,042	0.00244	4,754.74	0.00192
Rockefeller	43,239	0	0	0.00	0
Roth	32,277	0	0	0.00	0
Santorum	139,016	0	0	0.00	0
Sarbanes	73,160	0	0	0.00	0
Schumer	184,012	0	0	0.00	0
Sessions	68,176	0	0	0.00	0
Shelby	68,176	0	0	0.00	0
Smith, Gordon	58,557	0	0	0.00	0
Smith, Robert	36,828	0	0	0.00	0
Snowe	38,329	0	0	0.00	0
Specter	139,016	0	0	0.00	0
Stevens	31,184	0	0	0.00	0
Thomas	30,044	0	0	0.00	0
Thompson	78,239	0	0	0.00	0
Thurmond	62,273	0	0	0.00	0
Torricelli	97,508	0	0	0.00	0
Voinovich	131,970	0	0	0.00	0
Warner	89,627	0	0	0.00	0
Wellstone	69,241	0	0	0.00	0
Wyden	58,557	0	0	0.00	0
Totals	7,594,942	511,759	0.14229	107,644.26	0.03350

CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, a letter from the National Governors' Association on September 27th to the majority leader of the Senate expresses the National Governors' Association's views that any final version of the Conservation and Reinvestment Act (CARA) legislation include stable funding and a strong commitment to the states by reinvesting Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and sharing a meaningful portion of these revenues with states and territories. In addition, the letter points out that the essential strengths of CARA are that it assures a dependable stream of funding which enables states to implement long-term

capital investments and to develop cost-effective fiscal strategies.

I ask unanimous consent to print the letter in the RECORD.

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

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, September 27, 2000.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The nation's Governors support legislation that both wisely reinvests Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and shares a meaningful portion of these revenues with states and territories. We have previously endorsed H.R. 701, the Conservation and Reinvestment Act (CARA), but recognize that alternatives are being considered. We urge that any final legislation allocating OCS revenues include stable funding and a strong commitment to the states.

As new proposals are floated, we hope that you will remember the essential strengths of CARA. CARA assures a dependable stream of funding. This enables states to implement long-term capital investments and to develop cost-effective fiscal strategies. Being subjected to the annual appropriations process will not provide the stability necessary for states to take advantage of low-interest bonds, enter into voluntary conservation agreements with private landowners, and invest in long-term programs to recover declining species. A one-year appropriation to state programs simply will not address concerns.

CARA also focuses on conserving and preserving both federal and state assets. Parks, estuaries, wildlife, and historical properties are not limited to federal lands. A meaningful share of the Outer Continental Shelf revenues should be shared with the states and territories so that investments in the conservation of America can occur in a comprehensive manner. This hallmark of CARA is the investment of resources and the empowerment of states to set their own priorities, particularly as they respond to federal mandates and fulfill state environmental goals. These fundamental elements must be incorporated into any final legislation.

As you know, Representative Norman D. Dicks (D-Wash.) recently proposed a "Lands Legacy Trust" fund amendment to the fiscal 2001 Interior appropriations conference report. Many Governors perceive the Dicks amendment as a departure from the principles of CARA. The Dicks amendment does not guarantee an increase in net funding or guarantee full funding for conservation programs.

The reported CARA compromise reached by congressional leaders on September 26th is an approach that more closely resembles the principles of CARA. This proposal has the support of the National Governors' Association (NGA) and should be strongly considered as a viable option as negotiations proceed.

On behalf of NGA, we urge that any final legislation allocating OCS revenues address the concerns we have raised. We appreciate your efforts to conserve the nation's most valuable resources by creating a lasting and comprehensive legacy for the American people and future generations.

Sincerely,

GOVERNOR THOMAS J. WILSACK,

Chair, Committee on Natural Resources.

GOVERNOR FRANK KEATING,
Vice Chair, Committee on Natural Resources.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 27, 2000, the Federal debt stood at \$5,650,215,693,123.45, five trillion, six hundred fifty billion, two hundred fifteen million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents.

One year ago, September 27, 1999, the Federal debt stood at \$5,641,248,000,000, five trillion, six hundred forty-one billion, two hundred forty-eight million.

Five years ago, September 27, 1995, the Federal debt stood at \$4,955,603,000,000, four trillion, nine hundred fifty-five billion, six hundred three million.

Ten years ago, September 27, 1990, the Federal debt stood at \$3,217,914,000,000, three trillion, two hundred seventeen billion, nine hundred fourteen million.

Fifteen years ago, September 27, 1985, the Federal debt stood at \$1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million, which reflects a debt increase of close to \$4 trillion—\$3,827,112,693,123.45, three trillion, eight hundred twenty-seven billion, one hundred twelve million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents, during the past 15 years.

ADDITIONAL STATEMENTS

300TH ANNIVERSARY OF ST. DAVID'S CHURCH AND ST. PETER'S CHURCH

• Mr. SANTORUM. Mr. President, I rise today to recognize the 300th anniversary of St. David's Church in Berwyn, Pennsylvania and St. Peter's Church in the Great Valley, near Paoli, Pennsylvania. The two parishes were established in 1700 as mission churches of the historic Christ Church, Philadelphia to serve those that settled Chester County.

Philadelphia is where so many of our Founders came together to deliberate, sign the Declaration of Independence and fight in battles during the Revolutionary War. Both churches, now nationally registered landmarks, were involved in the war. St. David's parish sent forth General Anthony Wayne to fight with General Washington, and St. Peter's served as a field hospital for soldiers that were wounded.

For 300 years—longer than we have been a nation—these two churches have been vital elements of the communities in which they reside and serve. Governor Tom Ridge recently selected St. Peter's Church, a registered

historical landmark, as the site for the signing of Pennsylvania's "Growing Greener" bill.

On October 21, 2000 these two churches will hold a combined anniversary celebration at St. Peter's Church in the Great Valley. The celebration will feature historic symposia, period food and costume, and the burial of a time capsule. This event will enable people to gain insight into the lives of our historic forebears. I commend area leaders for initiating such a celebration and look forward to the upcoming festivities.

I am therefore pleased to celebrate the 300th anniversary of St. David's Church and St. Peter's Church. To honor this event, I put forward the following proclamation:

Whereas, 300 years ago, St. David's Church and St. Peter's Church in the Great Valley were founded as missions of the historic Christ Church, Philadelphia;

Whereas, the congregations of St. David's Church and St. Peter's Church in the Great Valley played a vital role in the early growth of historic Chester County, Pennsylvania;

Whereas, St. David's Church was the home parish and eventual burial site for General Anthony Wayne, a hero of the American Revolution;

Whereas, St. David's Church and its graveyard are registered as a National Historic Landmark;

Whereas, St. Peter's Church in the Great Valley is a registered National Historic Landmark which served recently as the site selected by the Governor of Pennsylvania for the signing of the "Growing Greener" land conservation bill;

Whereas, St. David's Church and St. Peter's Church in the Great Valley have sent their parishioners out into the larger community as public servants throughout their history;

Whereas, St. David's Church and St. Peter's Church in the Great Valley continue to serve their communities, their State and the Nation as strong civic partners in numerous programs to provide food, shelter, clothing, education, health care, and other forms of nurture to those in need;

Now therefore be it resolved by the United States Senate That St. David's Church and St. Peter's Church in the Great Valley be officially recognized and commended on the occasion of their 300th anniversary of worship, September 2, 2000.●

IN RECOGNITION OF WILLIAM HERNANDEZ

● Mr. TORRICELLI. Mr. President, I rise to recognize William Hernandez for his efforts as president of the Hispanic State Parade of New Jersey. His work has done a great deal for Hispanic-Americans, and it is an honor to acknowledge him today.

As president of the Hispanic State Parade of New Jersey, Mr. Hernandez has been able to honor the accomplishments of many prominent Hispanic-Americans. For the last three years he has also served as the president of DesFile Hispanoamericano of New Jersey. During that time, he has worked

to arrange the first international cultural and health fair, and create unity and cultural pride among Hispanic-Americans.

Mr. Hernandez is an extremely talented and energetic individual. His work on behalf of Hispanic-Americans has been truly beneficial, and I am confident he will continue to work tirelessly for all Americans of Hispanic descent as well as all of society.●

CONGRATULATING MOUNT SAINT CHARLES ACADEMY

● Mr. L. CHAFEE. Mr. President, this past weekend, Mount Saint Charles Academy of Woonsocket, Rhode Island, was honored at a ceremony recognizing it as a Blue Ribbon School. I would like to commend them on this outstanding achievement.

"Mount," as it is called in Rhode Island has long been recognized nationally for its elite hockey program. In fact, the Mounties hockey team is so good that they have won the last 23 Rhode Island State Championships—a record—and during that stretch they skated their way to ten straight High School National Championships.

But in Rhode Island, Mount Saint Charles is best known for its excellent academic reputation. It is great to see "Mount" recognized nationally for its academic excellence, not just its hockey.

The Blue Ribbon School program rewards schools that excel in all areas of academic leadership, teaching and teacher development, and school curriculum. Schools are chosen through a competitive application process that rates each school on two areas. The first category, "Conditions of Effective Schooling," includes teaching environment, curriculum and instruction, parent and community support, and student environment. The second category, "Indicators of Success," includes student test performance, high attendance and graduation rates, as well as postgraduate pursuits.

I am proud to see a Rhode Island school recognized nationally for setting the bar high, and I applaud the teachers, principles, and students who have worked so hard to make Mount Saint Charles a Blue Ribbon School.●

TRIBUTE TO THE TURNER HILL BAPTIST CHURCH

● Mr. CLELAND. Mr. President, it is with great personal joy and pride that I come before you today to commemorate an anniversary that is of particular importance to my family and me. One hundred years ago, on October 13, 1900, in a borrowed school building at the intersection of McDaniel and Rockland Roads, sixteen original members of the Turner Hill Baptist Church convened for the first time.

The group enjoyed being together and quickly became a strong extended

family. In fact, within months of their first meeting at the Old County Line School, the members decided to cement their closeness by constructing a permanent church building of their own. On land donated by E.L. Turner and as a result of its members' ingenuity and hard work, the beginning of 1901 marked the opening of Turner Hill Baptist Church, a wooden structure heated by one wood stove and lit by kerosene lamps.

Although the congregation moved to a new brick structure in 1954, the original wooden building and the work that went into its creation continue to embody the values of all those associated with the church. Despite the absence of Turner Hill's original sixteen members at today's centennial celebration, many of their descendants are delighted to take part. By the same token, some of the original nine families, including my own, who were present as the church opened in 1901 continue to attend regular services: Turner Hill has both fifth and sixth generation members. I am also proud to be related to both the church's current youngest and oldest members. While my father, Mr. Joseph Hugh Cleland, and Aunt, Mrs. Georgia Mae Cleland Johnston, are Turner Hill's most senior members, my cousin, Miss Jessica Wages is the newest addition to the 151 member congregation.

Over the years, the church itself and the faces in the pews have changed, but one thing has remained a constant—community. My friends and family at Turner Hill have pulled together in times of crisis and joined each other in celebration throughout the years. Behind the leadership of Reverend Farrell Wilkins and with God and family at the center of their lives, the members of my church today commemorate an historic anniversary. May their next hundred years be as prosperous as their first.●

IN RECOGNITION OF FATHER ALBERT R. CUTIE

● Mr. TORRICELLI. Mr. President, I rise today to recognize Father Albert R. Cutie, to whom the 25th Hispanic-American Parade of New Jersey Annual Banquet is being dedicated. This tremendous honor is being bestowed upon an individual who is a true example of the possibilities that are available to all in our great nation.

Father Albert's parents were forced, like many others, to flee from Cuba to Spain due to the atheist-communist dictatorship that took over their homeland. Fortunately, his family was reunited a few years later in San Juan, Puerto Rico, and was able to emigrate to the United States when he was seven years old. Here he has been able to pursue a life that would not have been possible in communist Cuba.

Father Albert has always been a talented and industrious soul. From a

young age, he showed vibrant entrepreneurial skills by turning his love for music into his own business. During his High School years his experience in parish youth groups and spiritual retreats began to foster his great love for the Church and its mission. Hearing his calling, Father Albert entered the Seminary in 1987 and was ordained on May 13, 1995.

Since his ordination, countless individuals have benefitted from Father Albert's love and guidance. Not only does he continue to reach out to individuals, families, the sick, and those in need, but he works diligently to give the youth of our society a better future.

We are truly fortunate to have an individual such as Father Albert as a member of our society. I am confident that our future is much brighter thanks to the efforts of Father Albert and other young Americans like him.●

RECOGNITION OF OUR LADY OF PROVIDENCE JUNIOR/SENIOR HIGH SCHOOL IN CLARKSVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

● Mr. BAYH. Mr. President, I rise proudly today to congratulate Our Lady of Providence Junior/Senior High School in Clarksville, Indiana for its selection by the U.S. Secretary of Education as one of the Nation's outstanding Blue Ribbon Schools. Our Lady of Providence is one of only two Indiana schools, and of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Our Lady of Providence met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students here effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Our Lady of Providence have shown a consistent commitment to academic excellence and community leadership. Our Lady of Providence has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.●

TRIBUTE TO JAN GORDON

● Mr. LEVIN. Mr. President, as the Senate nears adjournment I want to pay a special tribute to a special member of the Armed Services Committee's Minority staff. After a long and successful career in both the Executive

and Legislative Branch, but mostly here in the United States Senate, Jan Gordon will be leaving our staff on November 30. Speaking not only for myself, but on behalf of the entire Committee and our staff, I can tell you that Jan will be sorely missed.

A native North Carolinian, in 1972 Jan Gordon was recruited by the Federal Bureau of Investigation to come to Washington, D.C. to work as an executive secretary in their Intelligence Division. While her heart always remained in North Carolina, her feet became firmly planted in Washington.

After four years at the FBI, Jan began her Senate career, working first on the staff of the Joint Atomic Energy Committee, and then nine and a half years for the Secretary of the Senate in the Office of National Security Information, which later became what is now the Office of Senate Security. Countless numbers of my colleagues and staff who attended classified briefings or conferences up in S-407 of the Capitol during that period have first hand knowledge of Jan Gordon's superior administrative abilities and organizational skills.

In 1987, Chairman Sam Nunn of the Armed Service Committee appointed Jan Gordon as a staff assistant, and she was charged with the very demanding task supporting the staff and work of the Strategic Subcommittee. Not surprisingly, Jan rose to the occasion. She met all of the needs of the Subcommittee, while at the same time she had sole responsibility for the processing and printing of typically 20-25 hearing transcripts per year, many of which were classified. Because her work was so excellent, Jan Gordon was the person Committee's Chief Clerk turned to when new staff assistants needed to be taught "how to do things the right way."

When I became Ranking Minority Member of the Committee in 1997 following Senator San Nunn's retirement from the Senate, one of the quickest and easiest decisions I made was to ask Jan to continue working for me and the rest of the Committee's Minority Members and staff. I was delighted that she accepted my offer, because Jan is a valuable and key member of the Minority Staff of the Armed Services Committee.

Jan Gordon's service on the staff of the Armed Services Committee has been remarkable. She has an uncompromising work ethic and a strong dedication to duty. Of the over 5,000 days she will have worked for the Armed Services Committee when she retires, she has only had seven sick days. Being late to work, cutting any corner for the sake of moving a project forward, or not being totally cooperative and responsive are foreign and unacceptable concepts to Jan. Her steadfast attention to detail is legendary around the Committee, as is her com-

mitment to meeting the highest standards in everything she does.

Jan Gordon has always given completely of herself each and every day of the nearly fourteen years she has served on the staff of the Senate Armed Services Committee. When she departs the Committee staff, all of us will remember her for her professionalism, her enthusiasm, and the consistently high standard she set for herself. We are grateful for her service to the Senate and the Nation, and we wish her many years of health and happiness in the future.●

GEORGIA EARLY LEARNING INITIATIVE

● Mr. CLELAND. Mr. President, with a focus on the horizon and a knowledge of where we've been, I come before you today to laud a group that has dedicated its time and resources to Georgia's youth in attempts to secure a brighter future for us all. Throughout its existence, The Georgia Early Learning Initiative, a collaboration of business and labor leaders, health and human service providers, educators, and legislators, has sought to increase access to, and funding for, early education throughout our state.

As a reflection of today's fast-paced society, households increasingly boast two working parents who can neither afford to miss work nor pay the often exorbitant cost of childcare in our country. In fact, while only forty percent of children are cared for by a parent all day, sixty-seven percent of Georgia mothers with children under age six are in the workforce. Increasingly, many parents want to stay home, yet have no choice but to work. However, it takes a dedicated and selfless group of people to bring about results; there is no greater champion of Georgia's children and investment in the future than The Georgia Early Learning Initiative.

A child's pre-school years are more important than we have previously acknowledged. With 554,430 Georgia children currently enrolled in preschool, and the knowledge that ninety percent of human brain functions develop during the first three years of life, early learning and improved childcare are perhaps more important than ever before. It is our responsibility as a nation and leaders to support activists who are willing to fight for worthy causes, especially when those causes will benefit generations to come. We owe it to our children to provide equal access to early learning options which will place them on a secure footing and will allow them to excel in life. It is the mission of the dedicated men and women who comprise the Georgia Early Learning Initiative to increase childcare choices for parents and to extend the opportunity to succeed to all of America's children, no matter what their family's

station in life. In the future, we will only be as strong as our children. As Pearl Buck said, "If our American way of life fails the child, it fails us all."

As I think back to where we have been and once again focus on the glorious horizon, I cannot help but feel optimistic about our future knowing that men and women like those working with the Georgia Early Learning Initiative continue to fight for a better tomorrow for all of our children.●

IN RECOGNITION OF THE HONORABLE JUDGE JULIO FUENTES

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of New Jersey's extremely talented and humble public servants, the Honorable Judge Julio Fuentes. This distinguished member of my State is being honored with the dedication of the 25th Hispanic-American Parade of New Jersey Annual Banquet in his name, and it gives me great pleasure to recognize his accomplishments.

Judge Fuentes is a man of great intellect and a distinguished record of public service. He is constantly seeking to improve himself, as can be attested to by his pursuit of master's degrees in Latin American affairs and liberal arts during his time as a sitting judge. Those who have had the opportunity to work with Judge Fuentes universally praise his integrity as well as the depth and breadth of his knowledge of the law.

Through a great internal drive and determination, Judge Fuentes has risen from Newark Municipal Court Judge to his current post of judge for the 3rd U.S. Circuit Court of Appeals. Judge Fuentes also has the distinction of being the first Hispanic-American to sit on this prestigious court, an honor he has truly earned.

Judge Fuentes is a good, honest, decent man. He is an exemplar of the coveted American ideal of public service. It was truly an honor to be able to recommend his nomination to President Clinton. We are truly fortunate to have someone of his immense capabilities and desire for public service sitting as a judge on the U.S. Circuit Court of Appeals.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 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 bill, without amendment:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1795. An act to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 3100. An act 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.

H.R. 5272. An act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Will House, and for other purposes.

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. An act granting the consent of the Congress to the Red River Boundary Compact.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 5:18 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, an-

nounced that the Speaker has signed following enrolled bills and joint resolutions:

S. 1295. An Act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office."

H.R. 2647. An Act 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.

H.J. Res. 109. A joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5272. An act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10949. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the notice of delay relative to the report on secondary inventory and parts shortages; to the Committee on Armed Services.

EC-10950. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Human Rights Abusers Act of 2000"; to the Committee on the Judiciary.

EC-10951. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled "National Flood Insurance Act Amendments of 2000"; to the Committee on Banking, Housing, and Urban Affairs.

EC-10952. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a report entitled "Audit of the Accounts And Operations of the Washington Convention Center Authority for Fiscal Years 1997 Through 1999"; to the Committee on Governmental Affairs.

EC-10953. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-10954. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimum Size Requirements for Dancy, Robinson, and Sunburst Tangerines" (Docket Number: FV00-905-3 FR) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10955. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Triallate, (S-2, 3, 3-trichloroallyl diisopropylthiocarbamate); Pesticide Tolerance" (FRL #674408), "Indoxacarb; Pesticide Tolerance" (FRL #6747-8), "Propamacarb hydrochloride; Pesticide Tolerance" (FRL #6745-8), "Dimethomorph, (E,Z) 4-[3-(4-Cholophenyl)-3-(3, 4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine; Pesticide Tolerance" (FRL #6747-9), and "Flucarbazone-sodium; Time-Limited Pesticide Tolerances" (FRL #6745-9) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10956. 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. Rul. 2000-46-BLS-LIFO Department Store Indexes—August 2000" (Rev. Rul. 2000-46) received on September 27, 2000; to the Committee on Finance.

EC-10957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Acquisition Regulation; Administrative Amendments" (FRL #6878-9), "Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry" (FRL #6576-9), and "Grant Conditions for Indian Tribes and Insular Area Recipients" received on September 26, 2000; to the Committee on Environment and Public Works.

EC-10958. A communication from the Director of the Office of Small Business and Civil Rights, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3150-AG43) received on September 27, 2000; to the Committee on Environment and Public Works.

EC-10959. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000-01 Late Season" (RIN1018-AG08) received on September 27, 2000; to the Committee on Indian Affairs.

EC-10960. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Workforce Investment Act" (RIN1205-AB20) received on September 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10961. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; In-

terest Assumptions for Valuing and Paying Benefits" received on September 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10962. A communication from the Attorney General, transmitting, pursuant to law, a notice relative to the mailing of truthful information or advertisements concerning certain lawful gambling operations; to the Committee on the Judiciary.

EC-10963. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Fingerprinting certain applicants for a replacement permanent resident card (Form I-551)" (RIN1115-AF74) received on September 26, 2000; to the Committee on the Judiciary.

EC-10964. 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 Belgium, Greece, Japan, The Netherlands, and The United Kingdom; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-625. a resolution adopted by the Ocean County Board of Chosen Freeholders, County of Ocean (New Jersey) relative to mud dumping; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3129: An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions (Rept. No. 106-425).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2962: A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes (Rept. No. 106-426).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2594: A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes (Rept. No. 106-427).

S. 2691: A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. No. 106-428).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2848: A bill to provide for a land exchange to benefit the Pecos National Histor-

ical Park in New Mexico (Rept. No. 106-429).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2942: A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia (Rept. No. 106-430).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

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. (Rept. No. 106-431).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 3000: A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes. (Rept. No. 106-432).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1235: A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106-433).

H.R. 3236: A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106-434).

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 (Rept. No. 106-435).

H.R. 4115: A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes (Rept. No. 106-436).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 1162: A bill to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge".

H.R. 1605: To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse".

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

H.R. 2442: A bill to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 4806: A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. RES. 343: A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1898: A bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2621: A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2915: A bill to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2924: A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Robert Mays Lyford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to be Republic of Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rust Macpherson Deming.

Post: Tunis.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Justine Deming Rodriguez and Mike Rodriguez, none. Katherine Deming Brodie, and John Brodie, none.
4. Parents: Olcott H. Deming: \$20.00, 2/9/98, Mosely Brown; \$30.00, 2/16/98, Barbara Boxer; \$20.00, 2/16/98, Barbara Milkulski; \$20, 3/15/98, Patty Murray. Louise M. Deming (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: John H. Deming, none.

7. Sisters and Spouses: Rosamond Deming, none.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Douglas Alan Hartwick.

Post: Ambassador to Laos.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Regina Z. Hartwick, none.
3. Children and Spouses: Kirsten and Andrea, none.
4. Parents: Tobias Hartwick and Mary Kathleen Hartwick, none.
5. Grandparents: Elmer Golden Thomas and Mary Hutchins Thomas; Tolley Hartwick and Emma Bensen Hartwick (all deceased).
6. Brothers and Spouses: Philip and Rachel Hartwick, none.
7. Sisters and Spouses: Marcia and Peter Mahoney, none.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald D. Godard.

Post: Ambassador to Guyana.

Contributions, Amount, Date, and Donee:

1. Self: Ronald D. Godard, none.
2. Spouse: Wesley Ann Godard: \$100, 5/30/98, Dottie Lamm (Senatorial candidate, Colorado).
3. Children and Spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and Spouses, none.
7. Sisters and Spouses, none.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Senko, Michael James.

Post: Marshall Islands and Kiribati.

Contributions, Amount, Date, and Donee:

1. Self: \$30, 9/5/95, DNC; \$30, 1/6/96, DNC.
2. Spouse: Editha Senko, none.
3. Children and Spouses: Fe (Stepdaughter) and husband Jonathan Dalida, none; Sharon (age 12), none.

4. Parents: Michael and Lucille Senko: \$20, 1995, DNC; \$20, 1996, DNC; \$40, 1997, DNC.

5. Grandparents: Michael and Mary Senko (deceased).

6. Brothers and Spouses: John and Alice Senko, none.

7. Sisters and Spouses: Sharon and Alan Levin, none.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Howard Franklin Jeter.

Post: Ambassador to Nigeria. Nominated February 22, 2000.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Donice M. Jeter, none.
3. Children and Spouses: Malaika M. Jeter and Jason C. Jeter, none.
4. Parents: James W. Jeter, Jr. and Emma Maddox Jeter (deceased).
5. Grandparents: James W. Jeter, Sr. and Clara E. Jeter (deceased).
6. Brothers and Spouses: James R. Jeter and Jacqueline Jeter, none.
7. Sisters and spouses: Jacqueline P. Taylor and Fred D. Taylor, Jr., none.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lawrence George Rossin.

Post: Ambassador to Croatia.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Debra Jane McGowan, none.
3. Children and Spouses: Claire Veronica Rossin and Alec William Donald Rossin, none.
4. Parents: Don and Ruth Rossin, none.
5. Grandparents: (all deceased).
6. Brothers and Spouses, none.
7. Sisters and Spouses: Virginia and John Hargrave, none.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Brian Dean Curran.

Post: Ambassador to Haiti.

Contributions, Amount, Date and Donee:

1. Self, none.
2. Spouse, N/A.

3. Children and Spouses, N/A.
 4. Parents: Dorothy Curran, none; Timothy Curran (deceased).
 5. Grandparents: Wadsworth Harris Williams and Leila Williams (deceased).
 6. Brothers and Spouses: M/M David Curran, none.
 7. Sisters and Spouses: M/M Scott Smith, none.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning John F. Aloia and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record on 7/26/00.

Foreign Service nominations beginning Guy Edgar Olson and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

Foreign Service nominations beginning James A. Hradsky and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

By Mr. THOMPSON for the Committee on Governmental Affairs:

George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006. (Re-appointment)

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Fisher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. HATCH for the Committee on the Judiciary:

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

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. FEINGOLD (for himself, Mr. JEFFORDS, Mr. LEAHY, Mr. KOHL, and Mr. WELLSTONE):

S. 3128. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 3129. An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions; from the Committee on Foreign Relations; placed on the calendar.

By Mr. HATCH (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. McCAIN, Mr. GRASSLEY, Mr. THURMOND, Mr. KYL, Mr. ABRAHAM, Mr. DEWINE, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. COLLINS, Mr. FITZGERALD, Mr. HELMS, Mr. SANTORUM, Mr. HAGEL, Mr. SHELBY, Mr. WARNER, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. BROWNBACK, Mr. GRAMS, Mr. BENNETT, Mr. COCHRAN, Mr. HUTCHINSON, and Mr. FRIST):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. ABRAHAM):

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. HAGEL):

S. 3135. 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 Rules and Administration.

By Mr. DURBIN:

S. 3136. A bill for the relief of Edwardo Reyes, Dianelita Reyes, and their children, Susy Damaris Reyes, Danny Daniel Reyes, and Brandon Neil Reyes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BYRD, Mr. THURMOND, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, Mr. HATCH, Mr. LEAHY, Mr. LOTT, Mr. KENNEDY, Mr. MURKOWSKI, Mr. BIDEN, Mr.

HELMS, Mr. DODD, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. INHOFE, Mr. EDWARDS, Mr. VOINOVICH, Mr. BAYH, Mr. HAGEL, Mr. MILLER, Mr. ASHCROFT, Mr. DORGAN, Mr. ALLARD, Mr. CLELAND, Mr. COCHRAN, Mr. SHELBY, Mr. MACK, Mr. BUNNING, Mr. KYL, Mr. FEINGOLD, Mr. GREGG, Mr. REID, and Mr. DOMENICI):

S. 3137. A bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison; read the first time.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. FEINGOLD, and Mr. KENNEDY):

S. 3139. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. LEAHY, and Ms. MIKULSKI):

S.J. Res. 54. A joint resolution expressing the sense of the Congress with respect to the peace process in Northern Ireland; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Res. 362. A resolution recognizing and honoring Roberto Clemente as a great humanitarian and an athlete of unfathomable skill; to the Committee on the Judiciary.

By Mr. KERREY:

S. Res. 363. A resolution commending the late Ernest Burgess, M.D., for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

By Mr. INOUE:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism; considered and agreed to.

By Mr. LOTT (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. KYL, Mr. HUTCHISON, Mr. SMITH of New Hampshire, Mr. BENNETT, and Mr. HUTCHINSON):

S. Con. Res. 140. A concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HATCH (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK,

Mr. MCCAIN, Mr. GRASSLEY, Mr. THURMOND, Mr. KYL, Mr. ABRAHAM, Mr. DEWINE, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. COLLINS, Mr. FITZGERALD, Mr. HELMS, Mr. SANTORUM, Mr. HAGEL, Mr. SHELBY, Mr. WARNER, Mr. INHOFE, Ms. SNOWE, Mr. ALLARD, Mr. BROWNBAC, Mr. GRAMS, Mr. BENNETT, Mr. COCHRAN, Mr. HUTCHINSON, and Mr. FRIST):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE INTEGRITY AND LAW ENFORCEMENT ASSISTANCE ACT

Mr. HATCH. Mr. President, in the last decade, DNA testing has become the most reliable forensic technique for identifying criminals when biological evidence of the crime is recovered. While DNA testing is standard in pre-trial investigations today, the issue of post-conviction DNA testing has emerged in recent years as the technology for testing has improved. Because biological evidence, such as semen or hair from a rape, is often preserved by authorities years after trial, it is possible to submit preserved biological evidence for DNA testing. In cases that were tried before DNA technology existed, and in which biological evidence was preserved after conviction, post-conviction testing is feasible.

While the exact number is subject to dispute, post-conviction DNA testing has exonerated prisoners who were convicted of crimes committed before DNA technology existed. In some of these cases, the post-conviction DNA testing that exonerated a wrongly convicted person led to the apprehension of the actual criminal. In response to these cases, the Senate Judiciary Committee has examined various state post-conviction DNA statutes, held a hearing on post-conviction DNA testing, and sought the expertise of federal and state prosecutors and criminal defense lawyers.

To ensure that post-conviction DNA testing is available in appropriate cases, I, along with Senators LOTT, NICKLES, MACK, MCCAIN, THURMOND, GRASSLEY, KYL, ABRAHAM, DEWINE, SESSIONS, R. SMITH, G. SMITH, COLLINS, FITZGERALD, HELMS, SANTORUM, HAGEL, SHELBY, WARNER, INHOFE, SNOWE, ALLARD, BROWNBAC, GRAMS, BENNETT, COCHRAN, T. HUTCHINSON, and FRIST are introducing the Criminal Justice Integrity and Law Enforcement Assistance Act today. This Act authorizes post-conviction DNA testing in federal cases and encourages the States, through a grant program, to authorize post-conviction DNA testing in a consistent

manner in state cases. In addition, the Act provides \$60 million in grants to help States reduce the backlog of DNA evidence to be analyzed and to conduct post-conviction DNA testing.

The Criminal Justice Integrity Act was based in large part on the successful post-conviction DNA testing statute in Illinois. The Illinois statute has worked particularly well, as Illinois has the most post-conviction DNA exonerations in the Nation. Like the Illinois statute, the Criminal Justice Integrity Act authorizes post-conviction DNA testing only in cases in which testing has the potential to prove the prisoner's innocence. This standard will allow testing in potentially meritorious cases without wasting scarce prosecutorial and judicial resources on frivolous cases. It is significant that the Illinois statute has worked well without overburdening the State's law enforcement or judicial systems.

Mr. President, given that post-conviction DNA testing is a complex legal issue, I would like to discuss the legal standard to obtain testing in the Illinois statute and in the Criminal Justice Integrity Act. While the Illinois statute is somewhat vague, several Illinois Court of Appeals decisions have interpreted the standard for obtaining post-conviction testing under the statute. See *People v. Gholston*, 697 N.E.2d 375 (1998); *People v. Dunn*, 713 N.E.2d 568 (1999); *People v. Savory*, 722 N.E.2d 220 (1999). As these decisions make clear, post-conviction testing is allowed under the Illinois statute only if the testing has "the potential to establish the defendant's innocence."

For example, in *People v. Gholston*, the defendant and five companions were convicted of raping a woman and assaulting and robbing her two male companions in 1981. In 1995, the defendant filed a motion to compel DNA testing of the victim's rape kit to prove that he did not participate in the gang rape. The trial court dismissed the motion for testing, and the appellate court affirmed.

In affirming the denial of testing, the court ruled that a "negative DNA match would not exculpate defendant Gholston due to the multiple defendants involved, the lack of evidence regarding ejaculation by the defendant Gholston and defendant's own admission of guilt under a theory of accountability." Id. at 379.

In *People v. Dunn*, the defendant was convicted in 1979 of a rape in which there was only one attacker. The defendant petitioned for post-conviction relief, and the trial court dismissed the petition. On appeal, the court remanded the motion to determine whether post-conviction testing was appropriate under the Illinois statute.

In remanding the motion, the court distinguished the facts in *Dunn* from *Gholston*, noting that post-conviction testing was denied in *Gholston* because

"the test results could not have been conclusive of defendant's guilt or innocence." Id. at 571. Under the facts in *Dunn*, the court held that the decision in *Gholston* would not prevent post-conviction testing "where DNA testing would be determinative" of guilt or innocence. Id. The court remanded the motion to the trial court to determine "whether any conclusive result is obtainable from DNA testing." Id.

The most extensive discussion of the standard for obtaining post-conviction testing under the Illinois statute occurred in *People v. Savory*. In *Savory*, the defendant was convicted of stabbing two people to death in 1977. In 1998, the defendant sought DNA testing of bloodstained pants that were recovered from his home. The trial court denied the motion for DNA testing, and the appeals court affirmed.

The court held that DNA testing on the bloodstained pants could not exonerate the defendant because a negative DNA match could merely indicate that the defendant did not wear those pants during the murders. At trial, *Savory's* father testified that the pants were his and that he, not the defendant, was responsible for the bloodstains. In addition, there was other, overwhelming evidence of the defendant's guilt.

The court in *Savory* noted that in *Gholston*, post-conviction testing was denied because "DNA testing could not conclusively establish defendant's guilt or innocence." In discussing the Illinois statute, the court stated:

Based on the plain language of [the Illinois statute] and on the interpretation of [the statute] in *Gholston* and *Dunn*, we believe that the legislature intended to provide a process of total vindication . . . [I]n using the term "actual innocence," the legislature intended to limit the scope of the [Illinois statute], allowing for scientific testing only where it has the potential to exonerate a defendant. Id. at 224.

Under the facts in *Savory*, the court denied post-conviction testing because "although DNA testing carries the possibility of weakening the State's original case against the defendant, it does not have the potential to prove him innocent." Id. at 225.

In short, post-conviction testing is allowed under the Illinois statute only where testing "could be conclusive of the defendant's guilt or innocence"; only where "DNA testing would be determinative"; only if "any conclusive result is obtainable from DNA testing"; and only where post-conviction testing "has the potential to exonerate a defendant."

The Criminal Justice Integrity Act has a similar legal standard to obtain testing. The Act authorizes testing if the prisoner makes a "prima facie showing" that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. A "prima facie showing" is a lenient requirement that is defined as

“simply a sufficient showing of possible merit to warrant a fuller exploration by the district court.” See *Bennett v. U.S.*, 119 F.3d 468 (7th Cir. 1997). Thus, under the Criminal Justice Integrity Act, post-conviction testing is ordered if the prisoner makes a “sufficient showing of possible merit” that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. In other words, the Act requires a showing that post-conviction testing has the potential to prove innocence. This is consistent with—and no more difficult than—the legal standard in the Illinois statute. If post-conviction DNA testing can establish a prisoner’s innocence, such a prisoner can obtain testing under the Criminal Justice Integrity Act.

If post-conviction DNA testing is performed and produces exculpatory evidence, the Criminal Justice Integrity Act allows the prisoner to move for a new trial based on newly discovered evidence, notwithstanding the time limits on such motions applicable to other forms of newly discovered evidence. In so doing, the Act relies on established judicial procedures. In addition, the Criminal Justice Integrity Act prohibits authorities from destroying biological evidence which was preserved in cases in which identity was at issue for the duration of the Act, and it authorizes the court to appoint counsel for an indigent prisoner who seeks post-conviction testing.

Mr. President, the Criminal Justice Integrity and Law Enforcement Assistance Act is the only federal post-conviction DNA legislation that is supported by the law enforcement community. The Criminal Justice Integrity Act was unanimously endorsed by the bipartisan board of the National District Attorneys Association. In addition, the International Association of Chiefs of Police, the Fraternal Order of Police, and the National Sheriffs’ Association have endorsed the bill. I am proud to have the support of the law enforcement community for this important legislation.

In closing, I would like to note that advanced DNA testing improves the just and fair implementation of the death penalty. While the Criminal Justice Integrity Act applies both to non-capital and capital cases, I think the Act is especially important in death penalty cases. While reasonable people can differ about capital punishment, it is indisputable that advanced DNA testing lends support and credibility to the accuracy and integrity of capital cases. For example, earlier this year, Texas Governor George W. Bush, granted a temporary reprieve to a death row inmate, Ricky McGinn, to allow post-conviction DNA testing on evidence recovered from the victim. In 1995, McGinn was convicted of raping and murdering his 12-year-old step-

daughter. McGinn’s lawyers had argued that additional DNA testing could prove that McGinn did not rape the victim, and therefore, was not eligible for the death penalty.

The DNA testing was recently completed, and the test results confirmed that McGinn raped the victim, in addition to murdering her. In short, as the McGinn case demonstrates, we are in a better position than ever before to ensure that only the guilty are executed. All Americans—supporters and opponents of the death penalty alike—should recognize that DNA testing provides a powerful safeguard in capital cases. We should be thankful for this amazing technological development.

I ask unanimous consent that the endorsements of this legislation be printed in the RECORD.

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

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Albuquerque, NM, July 5, 2000.

Hon. ORRIN G. HATCH,
*Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to advise you of our strong support of legislation you intend to introduce entitled the “Criminal Justice Integrity and Law Enforcement Assistance Act.”

Political opponents of the death penalty have renewed their assault wrongly citing “mistakes” in the justice system which leads to the execution of innocent persons. One of their ploys in their effort to suspend the practice indefinitely calls for post-conviction DNA testing, a relative new technology. We find it very sad that political considerations are intruding in such a way that real justice is thwarted, not furthered.

The FOP vehemently opposes the thinly veiled political attempts to end capital punishment, like S. 2073, offered by Ranking Member Patrick J. Leahy (D-VT). This legislation would require expensive, post conviction testing in thousands of unnecessary cases such as those in which no exculpatory evidence is likely to be found. The bill places vital law enforcement funds like the Community Oriented Policing Services (COPS), the Edward J. Byrne and DNA Identification grant programs in jeopardy by requiring all states to adopt this standard. His bill would prohibit the death penalty for Federal crimes committed in certain states and provide Federal grants to nonprofit organizations subsidizing the American Civil Liberties Union’s (ACLU) representation of defendants in capital cases. In essence, Senator Leahy’s bill is an effort to kill the death penalty.

The legislation which you shared with us would authorize post-conviction DNA testing for a thirty (30) month period and only in a narrow class of cases where the identity of the perpetrator was at issue during trial and, assuming exculpatory results, would establish the innocence of the defendant. The FOP strongly approves of the time limitation because the issue of post-conviction testing involves only past cases where the technology was not available. DNA testing is now standard in pretrial investigations.

Your proposed legislation would also provide \$60 million to the states in an effort to

reduce the nationwide backlog of unanalyzed DNA samples from convicted offenders and crime scenes. In order to qualify for these grants, states must allow post-conviction testing in a manner consistent with the procedures established by this bill.

The FOP has confidence in our nation’s justice system and yet recognizes that no system is ever perfect. For this reason, we support a time-limited window for post-conviction DNA testing in those few cases where innocence might be proved.

I want to thank you for sharing this draft with us and we look forward to working with you and your staff to get this legislation enacted.

Sincerely,

GILBERT G. CALLEGOS,
National President.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 16, 2000.

Hon. ORRIN G. HATCH,
*Chairman, Committee on the Judiciary, Dirksen
Senate Office Building, Washington, DC.*

DEAR CHAIRMAN HATCH: The National District Attorneys Association, with over 7,000 members, represents the local prosecutors of this nation. Our members try, by far, the majority of criminal cases in this country and our expertise in prosecuting violent criminals is second to none—as is our dedication to protecting the innocent. In keeping with this charge, the Board of Directors of the National District Attorneys Association has voted, unanimously, to support the “Criminal Justice Integrity and Law Enforcement Assistance Act,” for which you serve as the primary sponsor.

New technologies, such as DNA testing, can assist in establishing guilt or innocence in cases when used appropriately. In the application of any new technology, post conviction testing must be reserved for those defendants who can actually benefit from the application of the advance of science and not merely raise spurious claims.

Testing DNA, or any other scientific evidence, is costly and requires trained technicians to collect the evidence, conduct analyses of the samples and provide the requisite records and testimony to the court. Advancing unfounded demands for post conviction tests would not only delay on going investigations and trials but also deny those truly deserving of a reassessment of the evidence in their case a timely review.

Adhering to these principles we believe that post conviction testing must be reserved for:

defendants who have consistently maintained their innocence—if the defendant has voluntarily confessed to the offense or has pled guilty then they should not have the requisite standing to challenge their guilt; and

have contested the issue of identification at trial—DNA testing goes to the issue of identification, nothing else; and

who can make a prima facie showing that a favorable test would demonstrate their innocence.

The latter point is most crucial. In many cases an individual can be guilty of a crime, in which DNA evidence may be available, yet not have been the individual who left the evidence. For instance an individual can be convicted of rape by holding down a victim even though he never actually has intercourse or they may never have ejaculated; in a like fashion the driver of a “get away” car can be convicted of murder even though she never enters the convenience store.

The federal government does have a vital role to play in this effort to hasten appropriate post conviction relief in fostering the use of DNA testing but cannot, and must not, usurp state prerogatives in preserving the sanctity of their respective systems of criminal justice. If post conviction testing DNA evidence indicates potentially favorable results, the issue should be addressed, under state criminal procedures, as a timely claim of newly discovered evidence and be accorded review under normal state standards.

The legitimate role of the federal government in this effort is to encourage and assist the states in developing the means to conduct post conviction testing of scientific evidence. Given the serious, and continuing, backlog of DNA cases in particular, federal help can, and must be directed towards exponential increases in the capabilities of the state laboratory systems.

Withholding critical funding or mandating how states must use federal programs is counterproductive to the effort to obtain viable post conviction relief. Federal assistance must be devoted to permitting each state to apply resources to support and reinforce their respective systems. Moreover federal assistance must be incorporated, by the individual states, into efforts to upgrade laboratory capabilities across the board.

To be meaningful, DNA testing, and post conviction relief measures, must be truly dispositive of a defendant's guilt or innocence and not merely a pretext to stymie justice—for himself or others. The "Criminal Justice Integrity and Law Enforcement Assistance Act" provides for this balance of resources and we most strongly urge that it be passed by the Congress.

Sincerely,

ROBERT M.A. JOHNSON,
County Attorney, Anoka County, Minnesota, President, National District Attorneys Association.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, June 21, 2000.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the Criminal Justice Integrity and Law Enforcement Assistance Act of 2000. As you know, the IACP is world's oldest and largest association of law enforcement executives with more than 18,000 members in 100 countries.

The use of DNA evidence represents the logical next step in technological advancement of criminal investigations and is in keeping with law enforcement's obligation to use the most advanced and accurate methods of investigating crime and proving criminal activity in a court of law. The IACP strongly supports the collection and use of DNA evidence and has consistently called for legislation that would promote greater use of DNA technology and include funding to analyze both convicted offender and crime scene DNA samples. The provisions of the Criminal Justice Integrity and Law Enforcement Assistance Act advance these goals.

Currently, more than 700,000 DNA samples taken from convicted felons and recovered from crime scenes remain unanalyzed due to the limited resources of state and local law enforcement agencies. This backlog severely

threatens the timeliness of quality forensic examinations that are critical to solving crimes. By authorizing \$60 million to assist states in reducing the current backlog of DNA samples the Criminal Justice Integrity and Law Enforcement Assistance Act will greatly increase the ability of state and local law enforcement agencies to make efficient and effective use of DNA evidence.

In addition, by limiting post conviction DNA tests to only those cases where the results have the potential to conclusively establish an individual's innocence of the crime for which they were convicted, this act properly ensures that justice is served without burdening the court system and forensic laboratories with thousands of cases.

Thank you for your continued support of the nation's law enforcement agencies. We look forward to working with you on this issue of vital importance.

Sincerely,

MICHAEL D. ROBINSON,
President.

Mr. SMITH of Oregon. I am very pleased that the distinguished Senator from Utah has recognized the need to address the important issue of post-conviction DNA testing at the federal level and am proud to join his efforts. Senator HATCH's Criminal Justice Integrity and Law Enforcement Assistant Act is an excellent bill that has the strong support from law enforcement officials. It will provide much-needed funds for law enforcement authorities to analyze convicted offender DNA samples and DNA evidence gathered from crime scenes.

However, it has become abundantly clear over recent years that funding is not the only problem in the post-conviction DNA testing debate. In determining guilt and innocence, our criminal justice system occasionally makes mistakes. It is our responsibility to take every reasonable measure to prevent miscarriages of justice. Perhaps the gravest injustice that could occur is wrongful imprisonment of an innocent person. Ensuring that all defendants have access to competent counsel would go a long way to minimize the risk of unjust incarceration.

Some will say that there is no problem, or that it is so rare as to be negligible, or that we do not yet know the true extent of the problem and should not introduce legislation until we do. I strongly disagree. Although officers of America's courts and law enforcement work extremely hard to ensure that the true perpetrators of heinous crimes are caught and convicted, there have been errors that have sent innocent men to death row—innocent people like you and me who did not deserve to be there. While some states, like my home State of Oregon, work hard to ensure that defendants are represented by competent counsel, other states clearly do not. Without a federal standard, there is a real risk that innocent people tried in states without adequate standards for defense counsel could be unjustly incarcerated, or in rare cases, even sentenced to death. Setting federal standards for competent counsel

for all defendants is a very reasonable step to make sure that our system of criminal justice operates fairly regardless of where you live.

Senator LEAHY and I have introduced the Innocence Protection Act, which would address the vital issue of competency of counsel, among other things. Although the Criminal Justice Integrity Act, as introduced, does not address the issue of competency of counsel, Senator HATCH has promised to work with me and others to consider this issue when any post-conviction DNA testing legislation is considered in the Senate. I commend Senator HATCH for his interest in this matter, and for his willingness to work with me to produce a bill that will truly make a good system even better.

Mr. HATCH. I promise the distinguished Senator from Oregon that I will take up this issue in the months ahead. The issue of competency of counsel for indigents in state capital cases is a difficult issue for several reasons. First, it is not clear that this is a nationwide problem. For example, in Utah and Oregon, there does not appear to be a problem concerning the representation of indigents in capital cases. Second, the anecdotal examples cited in the media of poor capital representation occurred many years ago. For example, the death penalty trial of Gary Graham, which has been repeatedly mentioned in the press, occurred in 1981. Third, the States that seem to have a problem in this area recently made improvements. In 1995, Texas Governor George W. Bush signed legislation that provided indigent capital defendants the right to have two attorneys represent them at trial. Just this year, Alabama passed a law that compensates lawyers who represent indigents in capital trials at \$100 per hour.

In short, I would like to know more about the extent of this problem before I introduce legislation. Thankfully, the Bureau of Justice Statistics is releasing a comprehensive study of state indigent legal defense services in December. I am hopeful that this study will provide the information necessary to evaluate the extent of this problem. I look forward to working with Senator SMITH in the months ahead.

Mr. MURKOWSKI (for himself and Mr. ABRAHAM):

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

MEDICARE BILLING AND EDUCATION ACT

Mr. MURKOWSKI. Mr. President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For this reason, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

These providers are the physicians, the therapists, the nurses, and the allied health professionals who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians and access to quality care is already severely limited. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Health Care Financing Administration and its network of contractors, have built up a system designed to block care and micro-manage independent practices. Providers simply can't afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am introducing the "Medicare Billing and Education Act of 2000." Co-sponsored by Senator ABRAHAM, this legislation will restore fairness to the Medicare system. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within HCFA. Currently, a provider charged with receiving an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, a provider who chooses to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right—to

submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a HCFA contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

Under my bill, providers will be allowed to retain their appeal rights should they choose to first submit additional evidence to mitigate the charge. Many providers receive an overpayment as the result of a simple administrative mistake. For cases not involving fraud, a provider will be able to return that overpayment within twelve months without fear of prosecution. This is a common sense approach, and will not lead to any additional costs to the Medicare system.

To bring additional fairness to the system, my bill will prohibit the retroactive application of regulations, and allow providers to challenge the constitutionality of HCFA regulations. Further, it will prohibit the crippling recovery of overpayments during an appeal, and bar the unfair method of withholding valid future payments to recover past overpayments. These common sense measures maintain the financial viability of medical practices during the resolution of payment controversies, and restore fundamental fairness to the dispute resolution procedures existing within HCFA.

Like many of our nation's problems, the key to improvement is found in education. For this reason, I have included language that stipulates that at least ten percent of the Medicare Integrity Program funds, and two percent of carrier funds, must be devoted to provider education programs.

providers cannot be expected to comply with the endless number of Medicare regulations if they are not shown how to submit clean claims. We must ensure that providers are given the information needed to eliminate future billing errors, and improve the responsiveness of HCFA.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads me to introduce the "Medicare Billing and Education act of 2000." This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 3131

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Medicare Billing and Education Act of 2000".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—REGULATORY REFORM

Sec. 101. Prospective application of certain regulations.

Sec. 102. Requirements for judicial and regulatory challenges of regulations.

Sec. 103. Prohibition of recovering past overpayments by certain means.

Sec. 104. Prohibition of recovering past overpayments if appeal pending.

TITLE II—APPEALS PROCESS REFORMS

Sec. 201. Reform of post-payment audit process.

Sec. 202. Definitions relating to protections for physicians, suppliers, and providers of services.

Sec. 203. Right to appeal on behalf of deceased beneficiaries.

TITLE III—EDUCATION COMPONENTS

Sec. 301. Designated funding levels for provider education.

Sec. 302. Advisory opinions.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.

TITLE V—STUDIES AND REPORTS

Sec. 501. GAO audit and report on compliance with certain statutory administrative procedure requirements.

Sec. 502. GAO study and report on provider participation.

Sec. 503. GAO audit of random sample audits.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the Medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex Medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the Medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of Medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPLICABLE AUTHORITY.**—The term “applicable authority” has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) **CARRIER.**—The term “carrier” means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) **EXTRAPOLATION.**—The term “extrapolation” has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) **FISCAL INTERMEDIARY.**—The term “fiscal intermediary” means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) **HEALTH CARE PROVIDER.**—The term “health care provider” has the meaning given the term “eligible provider” in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) **MEDICARE PROGRAM.**—The term “medicare program” means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) **PREPAYMENT REVIEW.**—The term “prepayment review” has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

“(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.”.

SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) **RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.**—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

“APPLICATION OF CERTAIN PROVISIONS OF TITLE II

“SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

“(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

“(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

“(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

“(B) the Secretary’s statutory authority to promulgate such substantive or interpretive rules of general applicability; or

“(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.”.

(b) **CONSTRUCTION OF HEARING RIGHTS RELATING TO DETERMINATIONS BY THE SECRETARY REGARDING AGREEMENTS WITH PROVIDERS OF SERVICES.**—Section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) is amended by adding at the end the following new paragraph:

“(3) For purposes of applying paragraph (1), an institution or agency dissatisfied with a determination by the Secretary described in such paragraph shall be entitled to a hearing thereon regardless of whether—

“(A) such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864; or

“(B) the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination.”.

SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) **IN GENERAL.**—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) **EXCEPTION.**—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

(a) Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) Exception to this section shall not apply to cases in which the Secretary finds

evidence of fraud or similar fault on the part of such provider.

TITLE II—APPEALS PROCESS REFORMS

SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) **COMMUNICATIONS TO PHYSICIANS.**—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

“(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians’ services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

“(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

“(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

“(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

“(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

“(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

“(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

“(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

“(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

“(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

“(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician’s place of business during regular business hours and shall—

“(i) identify the billing anomaly;

“(ii) inform the physician of how to address the anomaly; and

“(iii) describe the type of coding or documentation that is required for the claim.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

“Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

“(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

“(1) APPLICABLE AUTHORITY.—The term ‘applicable authority’ means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

“(2) EXTRAPOLATION.—The term ‘extrapolation’ means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

“(3) PREPAYMENT REVIEW.—The term ‘prepayment review’ means the carriers’ and fiscal intermediaries’ practice of withholding claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.”

SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

TITLE III—EDUCATION COMPONENTS

SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.

(a) EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS

“SEC. 1897. (a) DEFINITIONS.—In this section:

“(1) EDUCATION PROGRAMS.—The term ‘education programs’ means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

“(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

“(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

“(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

“(2) ELIGIBLE PROVIDERS.—The term ‘eligible provider’ means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

“(b) CONDUCT OF EDUCATION PROGRAMS.—

“(1) IN GENERAL.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

“(2) ELIGIBLE PROVIDER EDUCATION.—

“(A) SUBMISSION OF CLAIMS AND RECORDS.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

“(B) PROHIBITION OF EXTRAPOLATION.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

“(C) SAFE HARBOR.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

“(3) TREATMENT OF IMPROPER CLAIMS.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

“(A) CORRECTION OF PROBLEMS.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

“(i) remit the actual overpayment; or

“(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

“(B) REPAYMENT.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

“(4) PROHIBITION OF ELIGIBLE PROVIDER TRACKING.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.”

(b) FUNDING OF EDUCATION PROGRAMS.—

(1) MEDICARE INTEGRITY PROGRAM.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: “No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.”

(2) CARRIERS.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

“(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.”

(3) FISCAL INTERMEDIARIES.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking “; and” and inserting a comma; and

(C) by adding at the end the following new subparagraph:

“(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 302. ADVISORY OPINIONS.

(a) STRAIGHT ANSWERS.—

(1) IN GENERAL.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) WRITTEN REQUESTS.—

(A) IN GENERAL.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) USE OF WRITTEN STATEMENT.—

(i) IN GENERAL.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) EXTRAPOLATION PROHIBITION.—Subject to clause (iii), no claim submitted under this section shall be claim to extrapolation.

(iii) LIMITATION ON APPLICATION.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) SAFE HARBOR.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) EXTENSION OF EXISTING ADVISORY OPINION PROVISIONS OF LAW.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a-7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

“(C) SAFE HARBOR.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request.”; and

(2) in paragraph (6), by striking, “and before the date which is 4 years after such date of enactment”.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) IN GENERAL.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking “SPECIFICATION OF GROWTH RATE.—The sustainable growth rate” and inserting “SPECIFICATION OF GROWTH RATE.—

“(A) IN GENERAL.—The sustainable growth rate”; and

(3) by adding at the end the following new subparagraphs:

“(B) INCLUSION OF SGR REGULATORY COSTS.—The Secretary shall include in the estimate established under clause (iv)—

“(i) the costs for each physicians’ service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

“(ii) the costs described in subparagraph (C).

“(C) INCLUSION OF OTHER REGULATORY COSTS.—The costs described in this subparagraph are any per procedure costs incurred

by each physicians' practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

“(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

TITLE V—STUDIES AND REPORTS

SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.se

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2000

Mr. WARNER. Mr. President, the man who would later become America's first president, George Washington, was born at Popes Creek Plantation on the banks of the Potomac River in 1732. Although most Americans are familiar with his later residence at Mt. Vernon, fewer people know that George Washington's childhood was spent on this sprawling 550 acre plantation in Westmoreland County, Virginia.

The Washington family first settled at Popes Creek in 1656 when John Washington, great-grandfather of George Washington, acquired the property. Although he later moved to Mt. Vernon, most historians agree George Washington returned on a regular basis to his birthplace. Located on the property is the Washington family cemetery that is the final resting place for George Washington's father, grandfather, and great-grandfather. To this day, Washington family descendants continue to live in the area.

In 1930, Congress recognized the historic importance of this site to the nation and created the George Washington Birthplace National Monument. The park is truly a national treasure which tells of George Washington's formative years. In addition to providing an excellent example of colonial life, the park contains acres of woodlands, wetlands, and agricultural fields. I am told numerous bald-eagles now call the park home.

In this age of rapid development, it is remarkable that despite the passage of two hundred and sixty-eight years, the Popes Creek area is remarkably unchanged since the time of George Washington's birth. The 131,099 annual visitors to the park can still experience a rural, pastoral countryside that George Washington would recognize. Much of the credit for this bucolic atmosphere is due to the efforts of the owners of the private property sur-

rounding the park. They have done their best to avoid developing the property adjacent to the park. But, as these landowners gradually decide they wish to sell their property, I believe the Park Service should acquire the surrounding property to preserve this historic setting for future generations. The alternative is to risk development that could forever scar this beautiful national landmark.

Today, I am introducing legislation to expand the boundary of the George Washington Birthplace National Monument by allowing the U.S. Park Service to acquire portions of the surrounding property from willing sellers. As a nation, it is our duty to preserve America's heritage for future generations. I urge my colleagues to support the preservation of George Washington's birthplace.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

WHEAT PROTEIN MISMESUREMENT COMPENSATION ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the bill which will provide long-overdue compensation to agricultural producers in my state and across the country. The “Wheat Protein Mismeasurement Compensation Act” provides a legislative remedy for producers who suffered a loss due to the U.S. Department of Agriculture's erroneous underestimation of their wheat protein content for wheat sold between May 2, 1993 and January 24, 1994.

In May 1993, the Secretary of Agriculture, acting through the Federal Grain Inspection Service, required the use of new technology for determining the protein content of wheat. However, the calibrations provided by the Secretary for the new protein measurement instruments were erroneous and resulted in protein determinations that were lower than those produced by the technology in use before use of the new technology was required.

As a result of this miscalibration and the USDA's failure to provide adequate notice and opportunity for comment, hundreds of wheat producers in my state were forced to adjust their protein measurement and pricing system in order to protect themselves on resale. The result was a significant loss of revenue from the sale of high-protein wheat.

Mr. President, I have worked on this issue for several years—first as a case for my injured Montana producers. In a perfect this world, this problem would have been resolved by the USDA at an administrative level immediately after the miscalibration was identified and readjusted. Instead, it has lagged on

and on and on. Unfortunately this matter for technical sovereign immunity reasons cannot be resolved in the courts. That is why we in Congress are their last chance at getting this resolved once and for all.

It is clearly, however, that these wheat producers by no fault of their own were injured by the USDA's implementation of a flawed system. But for that error, they would have received a fair price for their wheat. At a time when the agricultural community continues to suffer from record low prices and disastrous weather conditions, this continued injustice is simply unacceptable. We must do all in our power to correct this problem and justly compensate our producers for their losses.

I urge my colleagues to assist us in the expeditious passage of this legislation.

Mr. BURNS. Mr. President I rise today to join my colleague from Montana in introducing the Wheat Protein Mismeasurement Compensation Act. In 1993 the Federal Grain Inspection Service changed the technology used to determine the protein content of wheat. As a result a number of producers were harmed.

The issue has had our attention for a number of years, and has cumulated in a recent exercise over the past few months to find a resolution. The simple fact is that the USDA has failed to work with the farmers harmed so we can determine the actual financial impact to all producers. However, I am very confident we can address the losses shouldered by Montana's producers with the \$465 million cap in this legislation.

My number one priority is to ensure that those producers who were harmed by the Federal Government's miscalculation are fully reimbursed for their losses. As we work this bill through the legislative process I believe we may need to readdress the section on the amount of compensation for the attorneys, but only time will tell. I believe this bill is a good step forward, and I welcome a process that will make USDA sit down face to face with these producers and compensate those that were harmed by the mismeasurements.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

RURAL HERITAGE CONSERVATION ACT

Mr. BAUCUS. Mr. President, our nation's agricultural heritage is a rich tradition, which encompasses much of what we are about as a people; hard work, common sense, and a deep respect for the land.

In Montana, and in too many communities across America, our agricul-

tural heritage is at risk. Productive farms and ranches that have been in the same family for generations are being forced to turn their back on the land they love in order to make ends meet.

I applaud our current conservation easement system and the many fine non-profit organizations that have worked with landowners across America to protect millions of acres of land. The successes have been great, but so too have the lessons.

What we have learned is that the current system does not work particularly well for working farmers and ranchers. That's why I've introduced the Rural Heritage Conservation Act, a creative approach that provides farmers and ranchers with a real incentive to preserve their, and our, agricultural heritage.

Over the past twenty-five years, over 3 million acres of agricultural land have been lost to development in Montana alone. Many of these acres were lost when family farms, hit hard by tough times, chose to give up their generations of old farming operations and sell to developers in order to pay their outstanding debts.

The measure proposed in this legislation will expand the current conservation easement tax incentive program with an eye toward making the system work better for the bulk of real, working farmers and ranchers who would like to preserve their land for future generations but for whom the current system does not provide any meaningful incentive.

Let me give you a real-life example that was presented by my good friend Jerry Townsend of Highwood Montana before the Senate Finance Committee's subcommittee on Tax and IRS oversight.

Mr. Townsend testified that when he gave a conservation easement to the Montana Land Reliance, the value of his deduction was \$524,000. However, under current law, over the last five years he has only been able to save \$1,858 in federal taxes. Not much of an incentive, particularly when you factor in the \$2,500 he paid for the appraisal required to complete the conservation easement process.

The Rural Heritage Conservation Act will do three things.

First, it will create a targeted, limited tax credit for farm and ranch filers who donate a conservation easement to a qualified land trust. Mr. Townsend's example is all too familiar a story to farmers and ranchers throughout America. The relatively small deduction they can obtain under current law does not in any way equate to either the potential income they have forfeited or the value the public has gained from the donation. As a result, fewer and fewer farmers and ranchers are donating conservation easements and protecting their land for future generations.

To protect against abuse, the bill calls for a cap on the total tax credit available under the program and requires that a majority of the income for the qualifying filer be from farm and ranch operations.

Second, this legislation will level the playing field for all types of agricultural filers. Current law allows C-Corps to deduct up to 10 percent of their income compared to the 30% allowed for other business types including Limited Liability Companies, Sole Proprietorships and Limited Liability Partnerships.

According to figures presented by the Montana Land Reliance, there are some 40,000 acres of land in Montana alone owned by C-Corporations, in most cases family held, that have identified the 10 percent limit as a barrier to their contributing an easement.

Third, the bill would eliminate the current provision that limits additional estate tax relief to landowners only within a 25 mile radius of a metropolitan area.

As we have discussed at some length in this very chamber, estate tax is a significant issue for many Americans, including those who live in farm and ranch households. The current radius restriction works to the financial disadvantage of people who live in states with sparse populations.

Elimination of the radius will be a significant improvement to current law and will enable many rural families to pass along to future generations family farms and ranches that are so much a part of the very heart of America.

Protecting our agricultural heritage and the land that makes it possible is good public policy. I believe that the Agricultural Heritage Preservation Act is a creative, common sense approach to improving the current conservation easement program and making it work better to meet this important goal. I'm not claiming that this approach is the "perfect" approach, or the only way to accomplish our goals. But it's clear that the current system does not work effectively for small farmers and ranchers and we must do more. I hope that the introduction of this bill will initiate an informed, intelligent discussion of this important matter. We must find the best way to solve this problem that threatens the conservation of our agricultural lands and rural way of life.

I hope that as we consider other land conservation initiatives and other measures to make significant changes to the estate tax system, that the changes I'm proposing in the Rural Heritage Conservation Act will be a key part of the discussion.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

HELPING AMERICAN FAMILIES

Mr. GRAMS. Mr. President, I will talk for a couple of minutes about one of the issues about which I am most passionate, and that is taxes, or the overtaxation of the American people in a time of surpluses, and the refusal of this Congress, this President, to even make an attempt to have meaningful tax cuts or meaningful tax relief before the end of this Congress.

In 1997, the Congress passed and the President signed into law my \$500-per-child tax credit legislation. As a result, today about 40 million children in this country receive this tax credit every year, and it returns a total of about \$20 billion a year in tax savings to families. That is money that families can use for savings for their children's education, for day care, for tutors, for braces, a new washer, dryer—anything—a family vacation. But it is what the family decides to spend their hard-earned money on, rather than waiting for a handout from Washington.

In fact, for the first time since the 1980s, this tax credit and other Republican-initiated tax cuts have reduced the tax burden for low- and middle-income families. I have heard many of my colleagues on the other side of the aisle bragging about how some people in the United States are paying less taxes today—and that is true—but it is mainly true because of the \$500-per-child tax credit, nothing else that this administration or this Congress has done.

Despite this tax credit, the total tax burden is still way too high for working Americans. Today, let's look at an average two-income family. The median two-income family pays \$26,759 in Federal, State, and local taxes. Let's compare this with back in 1992. Those taxes were \$21,320 a year—a 26-percent increase in the tax burden for average families in just the last 8 years of the Clinton administration. That is according to the Nonpartisan Tax Foundation. To date, \$26,759; 8 years ago, \$21,320.

That shows the increase in taxes to the median-income family—not the rich of this country. They are paying more in taxes, as well. But it is the average working family that is paying the brunt of the tax increases imposed by this administration. Again, that is according to the Nonpartisan Tax Foundation. Total taxes nationwide claim 39 percent of hard-earned income, and that is more than the typical family in this country pays for food, clothing, shelter, and transportation combined.

In the past few years, over 20 million Americans earning between \$30,000 and \$50,000 have been pushed from the 15-percent tax bracket into the 28-percent tax bracket due to our unfair tax system. They are paying almost twice as much for those incomes, pushed from

the 15-percent to the 28-percent tax bracket. As low-income and minimum wage workers work harder and pay more, their payroll taxes also increase, taking a huge bite out of their hard-earned dollars—dollars that I believe are desperately needed to keep those families above the poverty line.

Taxes collected by the Federal Government have reached 20.6 percent of all national income. That is the highest level since World War II. The government takes one-fifth of every dollar produced in this country every year. In the next 10 years, working Americans will pay taxes that will contribute to an over \$2.2 trillion non-Social Security surplus. This non-Social Security surplus will be \$2.2 trillion and that is even after assuming government spending is increasing along with the level and rate of inflation. This non-Social Security surplus comes from increased personal taxes and the realization of our capital gains taxes.

I believe this money should be returned to working Americans in the form of some tax relief, debt reduction, and also Social Security reform. Yes, overtaxed American families still need tax relief today. I believe using some of the non-Social Security surplus to expand the \$500-per-child tax credit is one of the right things to do because Washington, again, is taking more taxes from American families at a time when it doesn't need the money as bad as families do.

I have repeatedly argued in this Chamber that the family has been and will continue to be the bedrock of our society. Strong families make strong communities, strong communities make for a strong America, and our tax policies should strengthen families and should be there to reestablish the value of families.

Between 1960 and 1985, Federal taxes on American families increased significantly. For families with 4 children, the Federal income tax rate increased 223 percent; for families with two children the rate increased 43 percent. The inflation-adjusted median income for families with children also decreased between 1973 and 1994. So its income was going down and taxes were still going up.

While the 1997 Taxpayer Relief Act, which included my \$500-per-child tax credit, has helped to change this situation, there is still room for improvement, a lot of room for a lot of improvement. For example, combined with the dependent exemption, the tax benefits for families raising children still falls well below both the inflation-adjusted value of the original dependent exemption, and also the actual cost of raising children according to Minnesota's Children Defense Fund.

In addition, this child tax credit and the income threshold for families qualifying for credit are not indexed for inflation. As a result, the value of

this child tax credit would also shrink in the future and fewer families would qualify for the credit.

That is why I am introducing tonight legislation aimed at expanding the tax credit. My legislation would increase the tax credit from \$500 per child to \$1,000, and it would be adjusted for inflation every year. It would also index the income threshold for families qualifying for this tax credit.

While I strongly support this increase as well as the marriage penalty repeal and getting rid of the death tax, the only way we will achieve meaningful tax relief is to reform our entire tax system completely. Even my legislation today, I look at as just an interim step toward this very essential goal of having a tax system that is simple, fair, and easy to understand.

With these proposed improvements we would allow overtaxed working families with children to keep a little bit more of their own money—give them the opportunity to spend it on their own priorities, not looking for a handout from Washington, not saying they need another program from Washington, not that they want another big government approach—but allowing them to keep some of their dollars so they can make the determination on how they want to spend their money, a little bit more of their own money, to spend on their own priorities. I urge my colleagues to support this legislation.

Mr. SESSIONS. Mr. President, I say to Senator GRAMS, I think this is another insightful bit of tax relief policy you are promoting. I look forward to studying it. People think sometimes this is not possible. I don't think we stop to celebrate enough the wonderful thing that happened when, under your leadership and that of a lot of others who worked on it, we were able to provide a \$500-per-child tax credit to working families in America. A mother with two children will now have, today, \$1,000 more a year—nearly \$80 a month with which they can buy shoes or fix the muffler on the car, take the kids on a trip or to a movie or out for a meal. It is the kind of thing that was really great. People said it could not be done and it was done.

I think these other proposals the Senator makes are realistic and also can be done.

We need to continue to work at this. The question is whether the American people are going to be able to keep this money or are we going to allow more and more to come to Washington as it grows more and more powerful and the power and wealth and independence of American citizens grows weaker and weaker.

Mr. GRAMS. The Senator from Alabama is right. If we look at it, at a time of overtaxation, when American workers are getting up every morning, working hard, and sending this money

to Washington, and then it is over-taxed—we are not talking about cutting taxes at all. We are talking right now about returning some of the surplus to make sure those people who worked hard and produced this windfall get it back.

We tell our children: If you find a wallet on the street with \$1,000 dollars in it, the first thing you should do is try to return it to the owner. Make sure you give the money back. Washington has found a wallet with \$2.2 trillion in it, and they won't give it back. They are trying to find a way to spend it. I think our hard-working families deserve some tax credit along with debt reduction and securing Social Security, rather than leaving it for the big spenders in Washington to decide how they want to divvy up and dole out their money.

Mr. SESSIONS. I think my colleague also makes an excellent point about this percentage of the total gross domestic product. People say we cannot afford a tax cut, but we have reached record levels of a total gross domestic product that is being taken by the Government. These suggestions the Senator makes are worthwhile. We need to be working on that and the marriage penalty and the estate tax and a lot of other things around here which we can afford. I thank my colleague.

Mr. GRAMS. I thank the Senator from Alabama for his support.

Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

KENTUCKY NATIONAL FOREST LAND TRANSFER
ACT OF 2000

Mr. MCCONNELL. Mr. President, I rise today to introduce the Kentucky National Forest Land Transfer Act of 2000. The purpose of this legislation is to provide an equitable solution to a problem that exists in Kentucky—specifically, to allow the Tennessee Valley Authority (TVA) to donate mineral rights, which it owns, to the Forest Service in exchange for compensation through the sale of other mineral rights in the Federal land inventory.

Mr. President, I would like to take a moment to give my colleagues some background on this issue and why this is necessary. During the 1960's, TVA purchased coal mineral rights on land that was later designated as the Daniel Boone National Forest. Today, TVA owns 40,000 acres of mineral rights under the forest.

This past July, TVA announced that it no longer had a need for these extensive mineral rights, and announced that after a 15-day comment period, it

intended to auction the rights to a coal operator to mine the land. In TVA's view, this was a way to get much needed funds to pay down the \$26 billion debt which they have amassed over the years. Since TVA originally had purchased the land with ratepayer funds, they were unwilling simply to donate the land, and consequently defended their proposal to auction off their rights to a coal operator by arguing that they currently have the ability to mine the land since they owned the mineral rights before the forest was created.

As you can imagine, Mr. President, this proposal hit a nerve with Kentuckians, who were quick to express their outrage at the proposition that TVA could allow mining in the Daniel Boone National Forest. The Courier-Journal, in an editorial published on August 7, 2000, wrote that TVA's proposal was a "rush to judgment" that failed to take the public interest into consideration. The editorial went on to say that "the best outcome, obviously, would be for the U.S. Forest Service to control the mineral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them." Mr. President, that is essentially what my legislation will achieve. I would like to submit the editorial for the RECORD.

Well, Mr. President, both Congress and TVA responded to the public outcry. First, Senator BUNNING offered an amendment to the Energy and Water Appropriations bill requiring TVA to conduct an Environmental Impact Study (EIS) before it could move forward on its proposal to auction off mineral rights. In response to that, a week later, TVA withdrew its auction plan, citing its concern that the proposal had sent the wrong signals. Despite these developments, the interested parties continued to press their case for transferring the mineral rights to the Forest Service, and again, I say, Mr. President, that is exactly what my bill will do.

My bill is a compromise solution that will protect the forest and protect TVA's ratepayers, by compensating TVA. This legislation is narrowly crafted to require TVA to donate the mineral rights under the Daniel Boone to the Forest Service in exchange for the right to sell other mineral rights owned by the Interior Department. Under this agreement, TVA will receive fair market value from the sale, which it can then use to reduce its burgeoning debt.

My bill has the support of TVA and the Forest Service, and is necessary in order to implement the compromise which we have worked to achieve. This solution is based on the Mt. St. Helens National Volcanic Monument Completion Act (P.L. 105-279), which allowed for the acquisition of private mineral

rights within the Monument through a swap. That legislation passed the Senate by unanimous consent. It is my hope that my colleagues will recognize the merits of my legislation and pass it with similar support.

Mr. President, we are in the waning days of the 106th Congress and time is running out to implement this carefully crafted solution, which is in the best interest of Kentucky's citizens and TVA's ratepayers. This is a win-win proposition and I urge the Senate to expeditiously consider and pass this important legislation. Mr. President, I yield the floor.

I ask unanimous consent that a copy of the bill and an editorial be printed in the RECORD.

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

S. 3140

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 "Kentucky National Forest Land Transfer Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States owns over 40,000 acres of land and mineral rights administered by the Tennessee Valley Authority within the Daniel Boone National Forest in the State of Kentucky;

(2) the land and mineral rights were acquired by the Tennessee Valley Authority for purposes of power production using funds derived from ratepayers;

(3) the management of the land and mineral rights should be carried out in accordance with the laws governing the management of national forests; and

(4) the Tennessee Valley Authority, on behalf of the ratepayers of the Authority, should be reasonably compensated for the land and mineral rights of the Authority transferred within the Daniel Boone National Forest.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture; and

(2) to compensate the Tennessee Valley Authority for the reasonable value of the transfer of jurisdiction.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED LAND.—

(A) IN GENERAL.—The term "covered land" means all land and interests in land owned or managed by the Tennessee Valley Authority within the boundaries of the Daniel Boone National Forest in the State of Kentucky that are transferred under this Act, including surface and subsurface estates.

(B) EXCLUSIONS.—The term "covered land" does not include any land or interest in land owned or managed by the Tennessee Valley Authority for the transmission of water, gas, or power, including power line easements and associated facilities.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER COVERED LAND.

(a) IN GENERAL.—All covered land is transferred to the administrative jurisdiction of

the Secretary to be managed in accordance with the laws (including regulations) pertaining to the National Forest System.

(b) **AUTHORITY OF SECRETARY OF INTERIOR OVER MINERAL RESOURCES.**—The transfer of the covered land shall be subject to the authority of the Secretary of the Interior with respect to mineral resources underlying National Forest System land, including laws pertaining to mineral leasing and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(c) **SURFACE MINING.**—No surface mining shall be permitted with respect to any covered land except as provided under section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)(2)).

SEC. 5. MONETARY CREDITS.

(a) **IN GENERAL.**—In consideration for the transfer provided under section 4, the Secretary of the Interior shall provide to the Tennessee Valley Authority monetary credits with a value of \$4,000,000 that may be used for the payment of—

(1) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the contiguous 48 States under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(2) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the State of Alaska under the laws referred to in paragraph (1);

(3) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the contiguous 48 States issued under the laws referred to in paragraph (1); or

(4) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the State of Alaska issued under the laws referred to in paragraph (1).

(b) **VALUE OF CREDITS.**—The total amount of credits provided under subsection (a) shall be considered equal to the fair market value of the covered land.

(c) **ACCEPTANCE OF CREDITS.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall accept credits provided under subsection (a) in the same manner as cash for the payments described under subsection (a).

(2) **USE OF CREDITS.**—The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this section.

(d) **TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.**—All credits accepted by the Secretary of the Interior under subsection (c) for the payments described in subsection (a) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) **EXCHANGE ACCOUNT.**—

(1) **ESTABLISHMENT.**—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall establish an exchange account for the Tennessee Valley Authority for the monetary credits provided under subsection (a).

(2) **ADMINISTRATION.**—The account shall—

(A) be established with the Minerals Management Service of the Department of the Interior; and

(B) have an initial balance of credits equal to \$4,000,000.

(3) **USE OF CREDITS.**—

(A) **IN GENERAL.**—The credits shall be available to the Tennessee Valley Authority for the purposes described in subsection (a).

(B) **ADJUSTMENT OF BALANCE.**—The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior under subsection (c).

(f) **TRANSFER OR SALE OF CREDITS.**—

(1) **IN GENERAL.**—The Tennessee Valley Authority may transfer or sell any credits in the account of the Authority to another person or entity.

(2) **USE OF TRANSFERRED CREDITS.**—Credits transferred or sold under paragraph (1) may be used in accordance with this subsection only by a person or entity that is qualified to bid on, or that holds, a mineral, oil, or gas lease under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) **NOTIFICATION.**—

(A) **IN GENERAL.**—Not later than 30 days after the transfer or sale of any credits, the Tennessee Valley Authority shall notify the Secretary of the Interior of the transfer or sale.

(B) **VALIDITY OF TRANSFER OR SALE.**—The transfer or sale of any credit shall not be valid until the Secretary of the Interior has received the notification required under subparagraph (A).

(4) **TIME LIMIT ON USE OF CREDITS.**—

(A) **IN GENERAL.**—On the date that is 5 years after the date on which an account is established for the Tennessee Valley Authority under subsection (e), the Secretary of the Interior shall terminate the account.

(B) **UNUSED CREDITS.**—Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under this subsection, shall expire.

SEC. 6. EXISTING AUTHORIZATIONS.

(a) **IN GENERAL.**—Nothing in this Act affects any valid existing rights under any lease, permit, or other authorization by the Tennessee Valley Authority on covered land in effect before the date of enactment of this Act.

(b) **RENEWAL.**—Renewal of any existing lease, permit, or other authorization on covered land shall be at the discretion of the Secretary on terms and conditions determined by the Secretary.

SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) **DEFINITIONS.**—In this section:

(1) **ENVIRONMENTAL LAW.**—

(A) **IN GENERAL.**—The term “environmental law” means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural or cultural resources, or the environment.

(B) **INCLUSIONS.**—The term “environmental law” includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) **HAZARDOUS SUBSTANCE, POLLUTANT OR CONTAMINANT, RELEASE, AND RESPONSE ACTION.**—The terms “hazardous substance”, “pollutant or contaminant”, “release”, and “response action” have the meanings given the terms in section 101 and other provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) **DOCUMENTATION OF EXISTING CONDITIONS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the covered land.

(2) **ADDITIONAL DOCUMENTATION.**—The Tennessee Valley Authority shall provide the Secretary with any additional documentation and information regarding the environmental condition of the covered land as such documentation and information becomes available.

(c) **ACTION REQUIRED.**—

(1) **ASSESSMENT.**—Not later than 120 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on covered land.

(2) **MEMORANDUM OF UNDERSTANDING.**—If the assessment concludes that action is required under any environmental law with respect to any portion of the covered land, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of understanding that—

(A) provides for the performance by the Tennessee Valley Authority of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(d) **DOCUMENTATION DEMONSTRATING ACTION.**—The Tennessee Valley Authority shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on covered land.

(e) **CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.**—

(1) **IN GENERAL.**—The transfer of covered land under this Act, and the requirements of this section, shall not affect the responsibilities and liabilities of the Tennessee Valley Authority under any environmental law.

(2) **ACCESS.**—The Tennessee Valley Authority shall have access to the property that may be reasonably required to carry out a responsibility or satisfy a liability referred to in paragraph (1).

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the

transfer of covered land under this Act as the Secretary considers to be appropriate to protect the interest of the United States concerning the continuation of any responsibilities and liabilities under any environmental law.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Nothing in this Act affects, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(f) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations on covered land resulting in the release or threatened release of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay—

- (1) the costs of related response actions; and
- (2) the costs of related actions to remediate petroleum products or their derivatives.

[From the Courier-Journal, Aug. 7, 2000]

TVA'S PROPOSAL TO AUCTION BOONE FOREST
MINERAL RIGHTS STINKS

The period for comment on the Tennessee Valley Authority's auction of more than 40,000 acres in mineral rights under Eastern Kentucky's Daniel Boone National Forest has just closed. But for what it's worth, we'll comment anyway: It stinks.

Talk about a rush to judgment. Comment was shut off just 15 days after TVA revealed its plan to sell.

Given that it's at least a quasi-public entity, TVA certainly ought to keep the broad public interest in mind when it makes major business decisions. TVA should be able to say what public good will result from selling these mineral rights to the highest bidder, as if they were some tax evader's living room furniture being auctioned on the courthouse steps.

TVA environmental engineer Steve Hillenbrand defends the sellout (and we do mean to invoke the word "sellout" in both its meanings, the ordinary and the pejorative) by saying the agency needs money. But on that basis just about any outrage could be rationalized. Obviously there needs to be some better justification.

Hillenbrand also said TVA wants out because these mineral deposits are not in the Tennessee Valley.

Odd. The distance between Eastern Kentucky's coalfields and the utility's service area never discouraged TVA's interest, or its coal buyers, before. Indeed, for decades the Kentucky River coalfield was stripped and augered, its watersheds compromised, its resources depleted, its people victimized, for coal to feed the power plants of TVA.

The story of coal barons and their work in Appalachia, on behalf of TVA, would make a great book, if Upton Sinclair or Ida Tarbell were still around to write it.

How can TVA simply turn its back on that history and depart, with the proceeds of its auction?

One newspaper story about the auction said TVA wants at least \$3.5 million, and will sell only to those who agree not to strip mine. But the legalities are unclear, and protection for all the national forest land against stripping is not a sure thing. Nor would such a restriction address the potential impact of deep mining or oil-and-gas exploration, which could be devastating.

The best outcome, obviously, would be for the U.S. Forest Service to control the min-

eral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them.

Selling mineral rights to the highest bidder is not a responsible policy. The National Citizens' Coal Law Project is right to oppose it, right to call for a full Environmental Impact Statement on the plan instead of some half-baked assessment, and right to urge that, if all else fails, only those with exemplary mining and reclamation records be allowed to bid.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999".

S. 61

At the request of Mr. DEWINE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 190

At the request of Mr. INOUE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 693

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. MILLER) 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. 695

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 695, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area.

S. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Louisiana (Mr. BREAU), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors 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. 1562

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. HARKIN) 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. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2450

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan

(Mr. ABRAHAM) was added as a cosponsor of S. 2450, a bill to terminate the Internal Revenue Code of 1986.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2787

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2937

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2937, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2938, *supra*.

S. 3007

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Washington (Mr. GORTON) and the Senator from Vermont (Mr. LEAHY) 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. 3049

At the request of Mr. FITZGERALD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3049, a bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

SENATE CONCURRENT RESOLUTION 139—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DEDICATION OF THE JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. INOUE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring).

SECTION 1. DEFINITIONS.

In this Resolution:

(1) **EVENT.**—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism.

(2) **SPONSOR.**—The term "sponsor" means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) **IN GENERAL.**—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) **EXPENSES AND LIABILITIES.**—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) **STRUCTURES AND EQUIPMENT.**—

(1) **IN GENERAL.**—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) **ADDITIONAL ARRANGEMENTS.**—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

SENATE CONCURRENT RESOLUTION 140—EXPRESSING THE SENSE OF CONGRESS REGARDING HIGH-LEVEL VISITS BY TAIWANESE OFFICIALS TO THE UNITED STATES

Mr. LOTT (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. KYL, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. BENNETT, and Mr. HUTCHINSON); submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs:

S. CON. RES. 140

Whereas Taiwan is the seventh largest trading partner of the United States and plays an important role in the economy of the Asia-Pacific region;

Whereas Taiwan routinely holds free and fair elections in a multiparty system, as evidenced most recently by Taiwan's second democratic presidential election of March 18, 2000, in which Mr. Chen Shui-bian was elected as president of the 23,000,000 people of Taiwan;

Whereas Members of Congress, unlike executive branch officials, have long had the freedom to meet with leaders of governments with which the United States does not have formal relations—meetings which provide a vital opportunity to discuss issues of mutual concern that directly affect United States national interests;

Whereas several Members of Congress expressed interest in meeting with President Chen Shui-bian during his 16-hour layover in Los Angeles, California, en route to Latin America and Africa on August 13, 2000;

Whereas the meeting with President Chen did not take place because of pressure from Washington and Beijing;

Whereas Congress thereby lost the opportunity to communicate directly with President Chen about developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan when he visited Los Angeles;

Whereas there could not be a more important time to find opportunities to talk to Taiwan's new leaders given the enormous economic, security, and political interests we share with both Taiwan and the People's Republic of China, as well as the results of the recent election in Taiwan which provided for the first party leadership change in Taiwan's history;

Whereas Congress must continue to play an independent oversight role on United States policy toward Taiwan, and try to find ways to reduce the threat of war between Taiwan and the People's Republic of China, and in particular, to counteract China's buildup of missiles pointed at Taiwan;

Whereas the United States continues to cling to its policy of more than 20 years, which prohibits high-ranking Taiwan leaders from making official visits to the United States, forcing Members of Congress to choose whether to rely solely upon indirect assessments provided by the administration or to travel to Taiwan to obtain this information firsthand, and denying Taiwan's democratically elected officials the respect they deserve;

Whereas by bestowing upon President Chen the respect his office deserves, the United States would have demonstrated to the people of both Taiwan and the People's Republic of China United States support for democracy; and

Whereas the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) provides that the President of Taiwan shall be welcome in the United States at any time to discuss a host of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is in the interest of Congress and the executive branch of the United States to communicate directly with elected and appointed top officials of Taiwan, including its democratically elected president; and

(2) the United States should end restrictions on high-level visits by officials of Taiwan to the United States.

SENATE RESOLUTION 362—RECOGNIZING AND HONORING ROBERTO CLEMENTE AS A GREAT HUMANITARIAN AND AN ATHLETE OF UNFANTHOMABLE SKILL

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 362

Whereas Roberto Clemente's athletic legacy has been honored by the City of Pittsburgh with a 14 foot bronze statue and the naming of a bridge over the Allegheny River located just outside the centerfield gate of the new baseball stadium in Pittsburgh;

Whereas Roberto Clemente led the Pittsburgh Pirates to World Championship titles in 1960 and 1971, winning the Series Most Valuable Player Award in 1971 when he batted .414 with two home runs against Baltimore;

Whereas during his 18 year career with the Pittsburgh Pirates, Roberto Clemente won four National League batting crowns, the 1966 National League Most Valuable Player award, and ended his career with a .317 lifetime average, 240 homers, and 1,305 runs batted in;

Whereas on September 30, 1972, Roberto Clemente became the 11th Major League Baseball player to record 3,000 hits with a 4th inning double off of New York Mets left hander Jon Matlack;

Whereas Roberto Clemente was one of the first Latin American baseball players in the Major Leagues, and as such he faced language barriers and racial segregation throughout his career;

Whereas Roberto Clemente worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American baseball players thrust into a new culture and language;

Whereas in August of 1973, Roberto Clemente became just the second player to have the mandatory five-year waiting period waived as he was inducted posthumously into the National Baseball Hall of Fame;

Whereas in 1984, Roberto Clemente became the second baseball player to be honored for his athletic and philanthropic achievements with an appearance on a United States postage stamp;

Whereas Roberto Clemente devoted himself to improving the lives of inner city youth in Puerto Rico and throughout the United States, putting into action his belief that sport could be a stepping stone to a better life for underprivileged youth;

Whereas Roberto Clemente tragically died in an airplane crash on December 31, 1972 as he accompanied relief supplies to Nicaragua to aid the victims of the devastating 1972 Managua earthquake;

Whereas Roberto Clemente's humanitarian legacy continues to this day, embodied by the Roberto Clemente Sports City in Puerto Rico, which creates an environment for the development of the human spirit through sport, and promotes community, education, and awareness of human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Roberto Clemente was a great humanitarian and an athlete of unfathomable skill;

(2) Roberto Clemente should be honored for his contributions to the betterment of society; and,

(3) all Americans should honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts toward their fellow man.

Mr. SANTORUM. Mr. President, as the last baseball games are about to be played in Pittsburgh's Three Rivers Stadium, a stadium referred to as the "House that Clemente Build," I am reminded of Roberto Clemente, one of the greatest athletes and humanitarians of all time. Every baseball fan can recite Roberto's achievements during his professional career as a Pittsburgh Pirate—from hitting a remarkable .317 over 18 seasons and collecting 3,000 hits, to his 12 Gold Glove awards and 12 National League All Star Game appearances. However, it was his philanthropic gestures which truly represent Roberto Clemente's invaluable legacy.

As many people know, Roberto Clemente died tragically on December 31, 1972, after he and four others boarded a small DC-7 to deliver food, clothing and medicine to Nicaragua, to aid victims of a devastating earthquake. The four-engine plane, with a questionable past and an overload of cargo, crashed into the Atlantic Ocean, killing all aboard. What is not well known is that, upon hearing rumors that Nicaraguan government officials were delaying the delivery of relief supplies, Roberto Clemente left his New Year's celebration with family and friends to travel to Nicaragua in order to personally oversee the delivery of the Puerto Rican relief supplies to the individuals devastated by the Managua earthquake. On that fateful New Year's Eve night in 1972, the world lost not just a great athlete, arguably the greatest in the history of the Pittsburgh Pirates, but a humanitarian, a cultural icon, and a hero.

Mr. President, over the years, Roberto Clemente's dedication to his fellow man became legendary. As one of the first Latin America baseball players in the Major Leagues, Roberto Clemente faced language barriers and racial segregation throughout his career. He worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American ballplayers thrust into a new culture and language as they start their baseball careers.

However, his concern for his fellow man did not stop at the foul lines. Throughout his career, Roberto Clemente expressed his concern for the troubled lives faced by urban youth both in the United States and Puerto Rico. In a 1966 interview with Myron Cope for "Sports Illustrated," Roberto Clemente discussed his desire to help youth by stoking their interest in sports. Roberto Clemente believed that sports could bring families together in an athletic setting while providing a stage for youngsters to excel. In what would be the final months of his life, Roberto Clemente conducted a series of baseball clinics for Puerto Rican youth in addition to fundraising efforts for a large sports facility dedicated to the youth of the world.

Mr. President, Robert Clemente's humanitarian legacy continues to this day with the Roberto Clemente Sports City in Puerto Rico. Established March 18, 1973, when the Commonwealth of Puerto Rico's government granted 304 acres of land for development, the Roberto Clemente Sports City commemorates Roberto Clemente's commitment of a better life for children through sports, education and community service by creating an environment for the development of the human spirit through sports, involving community, education and human rights. This sports facility provides high quality recreational and sports facilities for children, youth and the general public such as: baseball, volleyball, basketball, tennis, swimming, track and field, batting cages, a golf range, tae kwondo, camping and social and cultural activities. The Roberto Clemente Sports City provides Puerto Rico with learning and training facilities, to include tutoring, mentoring and professional development programs in sports and life.

As eloquently stated by Bowie Kuhn in his 1973 eulogy to Clemente, "he made the world 'superstar' seem inadequate. He had about him the touch of royalty." With all of this in mind, Mr. President, I ask my colleagues to support the resolution I am offering with Senator SPECTER which urges our fellow Americans to honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts towards their fellow man.

SENATE RESOLUTION 363—COMMENDING THE LATE ERNEST BURGESS, M.D., FOR HIS SERVICE TO THE NATION AND THE INTERNATIONAL COMMUNITY, AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

AMENDMENTS SUBMITTED

STEM CELL RESEARCH ACT OF 2000

BROWNBACK AMENDMENT NO. 4273

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill (S. 2015) to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pain Relief Promotion Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of pa-

tients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

"(a) IN GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

"(1) Promote and advance scientific understanding of pain management and palliative care.

"(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

"(b) DEFINITION.—In this section, the term 'pain management and palliative care' means—

"(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

"(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death."

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

"SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

"(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

"(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

"(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

“(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

“(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

“(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

“(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

“(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

“(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

“(g) DEFINITION.—In this section, the term ‘pain management and palliative care’ means—

“(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

“(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.”.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking “sections 753, 754, and 755” and inserting “sections 753, 754, 755, and 756”.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by \$5,000,000.

SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the “Decade of Pain Control and Research”.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

“(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

“(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

“(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

“(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

“(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

“(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

“(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality; except that the Attorney General may take such other actions as may be necessary to enforce this Act.”.

(b) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking “(c) Before” and inserting the following:

“(c) PROCEDURES.—

“(1) ORDER TO SHOW CAUSE.—Before”; and

(2) by adding at the end the following:

“(2) BURDEN OF PROOF.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner’s intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.”.

SEC. 202. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.”.

SEC. 203. FUNDING AUTHORITY.

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KYL AMENDMENT NO. 4274

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; as follows:

At the end, add the following:

SEC. . SCHOLARSHIP FOR SERVICE PROGRAM.

Notwithstanding any other provision of law, of the amount made available under section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) for each fiscal year; two percent shall be available to the Director of the National Science Foundation to enable the Director to carry out the Scholarship for Service program.

HATCH (AND OTHERS) AMENDMENT NO. 4275

Mr. HATCH (for himself, Mr. KENNEDY, and Mr. ABRAHAM) proposed an amendment to the bill, S. 2045, supra; as follows:

On page 1 of the amendment, line 10, strike “(vi)” and insert “(vii)”.

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

“(iv) 195,000 in fiscal year 2001;

“(v) 195,000 in fiscal year 2002;

“(vi) 195,000 in fiscal year 2003; and”.

On page 2 of the amendment, line 6, strike “FISCAL YEAR 1999.—” and insert “FISCAL YEARS 1999 AND 2000.—”.

On page 2 of the amendment, line 7, strike “Notwithstanding” and insert “(A) Notwithstanding”.

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(I)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 3, line 11 strike “(A)”.

On page 3, line 13 strike “(i)” and insert “(A)”.

On page 3, line 17 strike “(ii)” and insert “(B)”.

On page 3, line 18 strike “; or” and insert “.”

On page 3, strike lines 19–24.

On page 4, line 6 strike “(A)”.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs.

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

“(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.”

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

“(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained adjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.”

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

“(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.”

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in para-

graph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term “employment-based visa” means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 9, on line 9, strike “October 1, 2002” and insert “October 1, 2003”.

On page 9, line 15, strike “September 30, 2002” and insert “September 30, 2003.”

On page 12 of the amendment, line 3, strike “used” and insert “use”.

On page 12 of the amendment, line 21, strike “this” and insert “the”.

On page 15 of the amendment, beginning on line 18, strike “All training” and all that follows through “demonstrated” on line 20 and insert the following: “The need for the training shall be justified”.

On page 16 of the amendment, line 6, insert “section 116(b) or” before “section 117”.

On page 16 of the amendment, line 20, strike “; and” and insert the following: “; Provided, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832)”.

On page 18 of the amendment, line 10, strike “that are in shortage”.

On page 18 of the amendment, line 23 and 24, strike “H-1B skill shortage.” and insert “single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.”

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike “and”.

On page 21 of the amendment, line 2, strike the period and insert “; and”.

On page 21 of the amendment, between lines 2 and 3, insert the following:

“(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).”

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5)) is amended to read as follows:—4 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the

Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be “22 percent”; the figure on page 12, line 25 deemed to be “4 percent”; and the figure on page 13 line 2 is deemed to be “2 percent”.

At the appropriate place, add the following:

SEC. 9. EXCLUSION OF CERTAIN “J” NON-IMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO “H-1B” NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(1) of the Immigration and Nationality Act (relating to restrictions on waivers).

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Immigration Services and Infrastructure Improvements Act of 2000”.

SEC. 202. PURPOSES.

(a) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term “backlog” means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term “immigration benefit application” means any application or petition to confer, certify, change, adjust, or extend any status

granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) **AUTHORITY OF THE ATTORNEY GENERAL.**—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) **DESIGNATION OF ACCOUNT IN TREASURY.**—Amounts appropriated pursuant to paragraph (1) may be referred to as the “Immigration Services and Infrastructure Improvements Account”.

(3) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) **LIMITATION ON EXPENDITURES.**—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) **BACKLOG ELIMINATION PLAN.**—

(1) **REPORT REQUIRED.**—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General’s plan for eliminating such backlogs.

(2) **REPORT ELEMENTS.**—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General’s efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) **REPORT ELEMENTS.**—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) **ABSENCE OF APPROPRIATED FUNDS.**—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, con-

taining the elements described in paragraph (2).

VISA WAIVER PERMANENT PROGRAM ACT

**ABRAHAM (AND KENNEDY)
AMENDMENT NO. 4276**

Mr. DOMENICI (for Mr. ABRAHAM and Mr. KENNEDY) proposed an amendment to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as follows:

On page 5, line 12, strike “2006” and insert “2007”.

On page 7, beginning on line 11, strike “VISA” and all that follows through “SYSTEM” on line 13 and insert the following: “VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY”.

On page 7, beginning on line 13, strike “denial” and all that follows through “use” on line 16 and insert the following: “denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien’s application for the waiver or through the use”.

Beginning on page 7, strike line 23 and all that follows through line 15 on page 8.

On page 9, line 6, strike “United States;” and insert “United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law;”.

On page 9, beginning on line 11, strike “of” and all that follows through “and” on line 12 and insert the following: “and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations”.

On page 10, line 7, strike “United States” and insert “United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law;”.

On page 10, line 8, insert “, based upon the evaluation in subclause (I).”.

On page 10, line 14, strike “of” and all that follows through “and” on line 15 and insert the following: “and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations”.

Beginning on page 10, line 25, strike “but may” and all that follows through “Register” on line 3 of page 11 and insert “in consultation with the Secretary of State”.

Beginning on page 11, strike line 13 and all that follows through line 9 on page 12.

On page 12, line 10, strike “(C)” and insert “(B)”.

On page 13, line 3, insert “on the territory of the program country” after “ity”.

On page 13, strike lines 4 through 6 and insert the following:

“(III) a severe breakdown in law and order affecting a significant portion of the program country’s territory;

“(IV) a severe economic collapse in the program country; or”.

On page 13, line 8, insert “in the program country” after “event”.

On page 13, line 12, before the period at the end of the line insert “and where the country’s participation in the program could contribute to that threat”.

On page 13, line 17, insert “, in consultation with the Secretary of State,” after “Attorney General”.

On page 14, line 18, strike “a designation”.

On page 15, line 11, insert “and departs” after “arrives”.

Beginning on page 16, line 25, strike “Not later” and all that follows through “Senate” on line 6 of page 17 and insert the following: “As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section”.

On page 17, line 8, before the period at the end of the line insert the following: “, together with an analysis of that information”.

On page 17, line 10, strike “October 1” and insert “December 31”.

On page 18, between lines 2 and 3, insert the following:

The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

On page 19, line 21, insert “or Service identification number” after “name”.

Beginning on page 20, strike line 22 and all that follows through line 4 on page 21 and insert the following:

“(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation.”

On page 21, after line 4, add the following:

SEC. 207. VISA WAIVER INFORMATION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

“(7) VISA WAIVER INFORMATION.—

“(A) IN GENERAL.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country’s visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

“(B) REPORTING REQUIREMENT.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

“(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

“(ii) the total number of such nationals who received United States visas during the previous calendar year;

“(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

“(iv) the total number of such nationals who were refused United States visas during

the previous calendar year under each provision of this Act under which the visas were refused; and

“(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

“(C) CERTIFICATION.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

“(D) CONSIDERATION OF COUNTRIES IN THE VISA WAIVER PROGRAM.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

“(E) DEFINITION.—In this paragraph, the term ‘appropriate congressional committees’ means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.”

TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTEL SAT AFTER PRIVATIZATION

SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTEL SAT PRIVATIZATION.

(a) OFFICERS AND EMPLOYEES.—

(1) AFTER PRIVATIZATION.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTEL SAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTEL SAT or any successor or separated entity of INTEL SAT.

(2) PRECURSORY EMPLOYMENT WITH SUCCESSOR BEFORE PRIVATIZATION COMPLETION.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTEL SAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106-180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTEL SAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTEL SAT.

(b) IMMEDIATE FAMILY MEMBERS.—

(1) ALIENS MAINTAINING STATUS.—

(A) AFTER PRIVATIZATION.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant de-

scribed in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTEL SAT or any successor or separated entity of INTEL SAT.

(B) AFTER PRECURSORY EMPLOYMENT.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTEL SAT.

(2) ALIENS CHANGING STATUS.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

(C) SPECIAL IMMIGRANTS.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term “international organization” includes INTEL SAT or any successor or separated entity of INTEL SAT.

SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

(a) IN GENERAL.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

(1) any services performed by the alien in the United States as an officer or employee of INTEL SAT or any successor or separated entity of INTEL SAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien—

(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

(A) an officer or employee of INTEL SAT or any successor or separated entity of INTEL SAT; and

(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the terms "INTELSAT", "separated entity", and "successor entity" shall have the meaning given such terms in the ORBIT Act (Public Law 106-180; 114 Stat. 48);

(2) the term "date of privatization" means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE IV—MISCELLANEOUS

Section 214 of the Immigration and Nationality Act is amended by adding the following new section.

(10) An amended H-1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.

On page 6, line 8, of the amendment, before the quotation marks, insert the following: "No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or non-designation of any country."

At the appropriate place in the bill, insert the following:

SEC. ____ THE IMMIGRANT INVESTOR PILOT PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "seven years" and inserting "ten years".

(b) DETERMINATIONS OF JOB CREATION.—Section 610(c) of such Act is amended by inserting ", improved regional productivity, job creation, or increased domestic capital investment" after "increased exports".

At the end of the bill, add the following:

SEC. ____ PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

(a) ENTRY OF BUSINESS AIRCRAFT.—Section 217(a)(5) of the Immigration and Nationality Act (as designated by this Act) is amended by striking all after "carrier" and inserting the following: ", including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a non-commercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement."

(b) ROUND-TRIP TICKET.—Section 217(a)(8) of the Immigration and Nationality Act (as designated by this Act) is amended by insert-

ing "or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations" after "regulations".

(c) AUTOMATED SYSTEM CHECK.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: "Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database."

(d) CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.—

(1) IN GENERAL.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

(A) by striking "carrier" each place it appears and inserting "carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title"; and

(B) in paragraph (2), by striking "carrier's failure" and inserting "failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title".

(2) BUSINESS AIRCRAFT REQUIREMENTS.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

"(3) BUSINESS AIRCRAFT REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a non-commercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business activity standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

"(B) COLLECTIONS.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on non-commercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigration visa waiver arrival/departure forms at land border ports of entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h)."

(e) REPORT REQUIRED.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 401. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208) is amended—

(1) in paragraph (1)—

(A) by striking "an approved institution of higher education and a designated exchange visitor program" and inserting "the Attorney General";

(B) by striking "the time—" and inserting the following: "a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act."; and

(C) by striking subparagraphs (A) and (B);

(2) by amending paragraph (2) to read as follows:

"(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.;"

(3) in paragraph (3)—

(A) by striking "has" the first place it appears and inserting "seeks"; and

(B) by striking "has" the second place it appears and inserting "seeks to";

(4) in paragraph (4)—

(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: ", except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$40"; and

(B) by adding at the end of subparagraph (B) the following new sentence: "Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a)."; and

(5) by adding at the end the following new paragraphs:

"(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

"(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

"(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

"(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section."

SEC. 402. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (division C of Public Law 104-208) is amended to read as follows:

“(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.”.

SEC. 403. TECHNICAL AMENDMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208) is amended—

(1) in subsection (h)(2)(A), by striking “Director of the United States Information Agency” and inserting “Secretary of State”; and

(2) in subsection (d)(1), by inserting “institutions of higher education or exchange visitor programs” after “by”.

FEDERAL EMPLOYEES HEALTH INSURANCE PREMIUM CONVERSION ACT

ABRAHAM AMENDMENT NO. 4277

Mr. GRAMS (for Mr. ABRAHAM) proposed an amendment to the bill (H.R. 3646) to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; as follows:

On page 8, strike line 8 and insert the following:

(3) Jihad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

COASTAL ZONE MANAGEMENT ACT OF 1999

SNOWE AMENDMENT NO. 4278

Mr. GRAMS (for Ms. SNOWE) proposed an amendment to the bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes; as follows:

On page 28, between lines 20 and 21, insert the following:

(b) **EQUITABLE ALLOCATION OF FUNDING.**—Section 306(c), (16 U.S.C. 1455(c)) is amended by adding at the end thereof “In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.”.

On page 28, line 21, strike “(b)” and insert “(c)”.

On page 45, strike lines 7 through line 10 and insert the following:

“(C) \$13,000,000 for fiscal year 2002;

“(D) \$14,000,000 for fiscal year 2003; and

“(E) \$15,000,000 for fiscal year 2004;

On page 45, line 16, strike “\$5,500,000” and insert “\$6,500,000”.

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

THOMPSON AMENDMENT NO. 4279

Mr. GRAMS (for Mr. THOMPSON) proposed an amendment to the bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Law Enforcement Museum Act”.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **MEMORIAL FUND.**—The term “Memorial Fund” means the National Law Enforcement Officers Memorial Fund, Inc.

(2) **MUSEUM.**—The term “Museum” means the National Law Enforcement Museum established under section 4(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) **CONSTRUCTION.**—

(1) **IN GENERAL.**—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) **UNDERGROUND FACILITY.**—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) **CONSULTATION.**—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) **DESIGN AND PLANS.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) **APPROVAL.**—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) **DESIGN REQUIREMENTS.**—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) **PARKING.**—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) **OPERATION AND USE.**—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) **FEDERAL SHARE.**—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) **FUNDING VERIFICATION.**—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) **FAILURE TO CONSTRUCT.**—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 28, 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 COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 28, 2000 at 9:30 a.m., on Department of Commerce trade missions/political activities.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 9:30 a.m., to conduct an oversight hearing. The committee will examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal government's breach of contract for failure to accept high level nuclear waste by January 1998.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 3:00 p.m., to hold a Joint Committee Hearing.

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

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 28, 2000 to mark up H.R. 4844, the Railroad Retirement and Survivors' Improvement Act of 2000 and the Community Renewal and New Markets Act of 2000.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 10:30 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 28, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

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

SPECIAL COMMITTEE ON AGING

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, September 28, 2000 from 8:00 a.m.–12:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Thursday, September 28, 2000, at 2:00 p.m. The hearing will take place in Dirksen Room 226.

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

SUBCOMMITTEE ON SECURITIES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 28, 2000, to conduct a hearing on "the proposal by the Securities and Exchange Commission to promulgate agency regulations that would restrict the types of non-audit services that independent public accounts may provide to their audit clients."

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate Thursday, September 28, at 9:30 a.m., Hearing Room (SD-406) to conduct a hearing to receive testimony on H.R. 809, the Federal Protective Service Reform Act of 2000.

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

On September 27, 2000, the Senate amended and passed H.R. 4942, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4942) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-

of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: Provided, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13-679, enrolled June 12, 2000."

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

For a Federal payment to the District of Columbia, \$1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: Provided further, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$500,000: Provided, That \$250,000 of said amount shall be used for a program to reduce school violence: Provided further, That \$250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

FEDERAL PAYMENT TO COVENANT HOUSE WASHINGTON

For a Federal payment to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, \$500,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds

provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$109,080,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,709,000; for the District of Columbia Superior Court, \$72,399,000; for the District of Columbia Court System, \$17,892,000; \$5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and \$5,825,000, including \$825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$38,387,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$5,825,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 2000 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 2000 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be pro-

vided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the Senate and House of Representatives Appropriations Committees quarterly on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$112,527,000, of which \$67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$18,778,000 shall be transferred to the Public Defender Service; and \$26,228,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

METRO RAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority [WMATA], a contribution of \$25,000,000 to design and build a Metrorail station located at New York and Florida Avenues, Northeast: Provided, That, prior to the release of said funds from the Treasury, the District of Columbia shall set aside an additional \$25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide \$25,000,000: Provided further, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, \$3,450,000 for environmental and infrastructure costs at Poplar Point: Provided, That of said amount, \$2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: Provided further, That no more than \$1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: Provided further, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, \$6,211,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 124 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$5,546,536,000 (of which \$192,804,000 shall be from intra-District funds and \$3,096,383,000 shall be from local funds): Provided further, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$6,500,000 from other funds: Provided, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$194,271,000 (including \$160,672,000 from local funds, \$20,424,000 from Federal funds, and \$13,175,000 from other funds): Provided, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$621,000 shall be available to the Office of the Mayor, \$2,500,000 to the Office of Property Management, and \$1,042,000 to be used for training, prioritized pursuant to an act of the Council: Provided further, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided

further, That \$303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: Provided further, That section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1531) is amended by inserting “, to remain available until expended,” after “\$5,000,000”.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$205,638,000 (including \$53,562,000 from local funds, \$92,378,000 from Federal funds, and \$59,698,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$3,296,000 shall be available to the Department of Housing and Community Development and \$200,000 to the Department of Employment Services, prioritized pursuant to an act of the Council.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$1,293,000 shall be available to the Department of Fire and Emergency Medical Services, \$100,000 to Citizen Complaint Review Board, \$200,000 to Metropolitan Police Department, and \$4,890,000 to the Settlement and Judgments Funds, prioritized pursuant to an act of the Council: \$762,346,000 (including \$591,365,000 from local funds, \$24,950,000 from Federal funds, and \$146,031,000 from other funds): Provided further, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the

Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That \$100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That Chapter 23 of Title 11 of the District of Columbia Code is repealed.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$998,918,000 (including \$824,867,000 from local funds, \$147,643,000 from Federal funds, and \$26,408,000 from other funds), to be allocated as follows: \$769,943,000 (including \$629,309,000 from local funds, \$133,490,000 from Federal funds, and \$7,144,000 from other funds), for the public schools of the District of Columbia; \$200,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$1,679,000 from local funds for the State Education Office; \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; \$105,000,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That the D.C. public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education: Provided further, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That \$76,433,000 (including \$44,691,000 from local funds, \$13,199,000 from Federal funds, and \$18,543,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That \$200,000 is allocated for the East of the River Campus Assessment Study, \$1,000,000 for the Excel Institute Adult Education Program, \$500,000 for the Adult Education State Plan, \$650,000 for The Saturday Academy Pre-College Program, and \$481,000 for the Strengthening of Academic Programs; and \$26,459,000 (including \$25,208,000 from local funds, \$550,000 from Federal funds and \$701,000 from other funds) for the Public Library: Provided further, That the \$1,020,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program,

\$166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$119,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That \$2,204,000 (including \$1,780,000 from local funds, \$404,000 from Federal funds and \$20,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled “An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes”, approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That \$2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: Provided further, That \$50,000 is allocated to fund a conference on learning support for children ages 3-4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: Provided further, That no local funds in this Act shall be used to administer a system wide standardized test more than once in fiscal year 2001: Provided further, That no less than \$436,452,000 shall be expended on local schools through the Weighted Student Formula: Provided further, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$12,079,000 shall be available to the District of Columbia Public Schools, \$120,000 to the Commission on the Arts and Humanities, \$400,000 to the District of Columbia Library, and \$2,500,000 to the University of the District of Columbia for adult basic education, prioritized pursuant to an act of the Council.

HUMAN SUPPORT SERVICES

Human support services, \$1,532,704,000 (including \$634,397,000 from local funds, \$881,589,000 from Federal funds, and \$16,718,000 from other funds): Provided, That \$25,836,000 of

this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$10,000,000 shall be available to the Children Investment Trust, \$1,511,000 to the Department of Parks and Recreation, \$574,000 to the Office on Aging, \$4,245,000 to the Department of Health, and \$1,500,000 to the Commission on Latino Affairs, prioritized pursuant to an act of the Council: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): Provided further, That \$400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): Provided further, That \$7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): Provided further, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: Provided further, That notwithstanding any other provision of law, the District of Columbia may increase the Human Support Services appropriation under this Act by an amount equal to not more than 15 percent of the local funds in the appropriation in order to augment the District of Columbia subsidy for the Public Benefit Corporation for the purpose of restructuring the delivery of health services in the District of Columbia pursuant to a restructuring plan approved by the Mayor, Council of the District of Columbia, District of Columbia Financial Responsibility and Management Assistance Authority, and Chief Financial Officer.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$278,242,000 (including \$265,078,000 from local funds, \$3,328,000 from Federal funds, and \$9,836,000 from other funds): Provided, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$1,500,000 shall be available to Public Works, \$1,000,000 to the Department of Motor Vehicles, and \$1,550,000 to the Taxicab Commission, prioritized pursuant to an act of the Council: Provided further, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That \$100,000 be available for a commercial sector recycling initiative: Provided further, That \$250,000 be available to initiate a recycling education campaign: Provided further, That \$10,000 be available for community clean-up kits: Provided further, That \$190,000 be available to restore 3.5 percent vacancy rate in Parking Services: Provided further, That \$170,000 be available to plant 500 trees: Provided further, That

\$118,000 be available for two water trucks: Provided further, That \$150,000 be available for contract monitors and parking analysts within Parking Services: Provided further, That \$1,409,000 be available for a neighborhood clean-up initiative: Provided further, That \$1,000,000 be available for tree maintenance: Provided further, That \$600,000 be available for an anti-graftiti program: Provided further, That \$226,000 be available for a hazardous waste program: Provided further, That \$1,260,000 be available for parking control aides: Provided further, That \$400,000 be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$389,528,000 (including \$234,913,000 from local funds, \$135,555,000 from Federal funds, and \$19,060,000 from other funds): Provided, That of the \$150,000,000 freed-up appropriation provided for by this Act, \$6,300,000 shall be available to the LaShaun Receivership and \$13,000,000 to the Commission on Mental Health, prioritized pursuant to an act of the Council.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, \$150,000,000 of local funds.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, \$243,238,000 from local funds: Provided, That of the \$150,000,000 freed-up appropriations provided for by this Act, the balance remaining after other expenditures shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing, prioritized pursuant to an act of the Council: Provided further, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act (Public Law 106-113; 113 Stat. 1531) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance \$19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That \$2,000,000 is allocated to the Metropolitan Police Department, \$4,300,000 for the Fire and Emergency Medical Services Department, \$1,622,000 for the Public Library, \$2,010,000 for the Department of Parks and Recreation, \$7,500,000 for the Department of Public Works and \$1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), \$6,211,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,409,000.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, \$13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

There is transferred \$61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code, sec. 6-135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of \$5,000,000: Provided, That of the \$150,000,000 freed-up appropriations provided for by this Act, \$5,000,000 shall be available for the savings associated with the implementation of the Cafeteria Plan, prioritized pursuant to an act of the Council.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$275,705,000 from other funds (including \$230,614,000 for the Water and Sewer Authority and \$45,091,000 for the Washington Aqueduct) of which \$41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes"

(33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$223,200,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,968,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212; D.C. Code, sec. 32-262.2, \$123,548,000 of which \$45,313,000 shall be derived by transfer from the general fund, and \$78,235,000 from other funds: Provided, That no amounts may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 98-622), \$1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$52,726,000 from other funds.

**CAPITAL OUTLAY
(INCLUDING RESCISSIONS)**

For construction projects, an increase of \$1,077,282,000 of which \$806,787,000 is from local funds, \$66,446,000 is from highway trust funds, and \$204,049,000 is from Federal funds, and a rescission of \$55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,022,074,000 to remain available until expended: Provided, That funds

for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 104. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 105. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 107. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming or inter-appropriation transfer of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; or (8) transfers an amount from one appropriation to another as long as the amount transferred shall not exceed 2 percent of the local funds in the appropriation; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming or inter-appropriation transfer as set forth in this section.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly

promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 114. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 116. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 117. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 118. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.

(a) The Superintendent of the District of Columbia Public Schools [DCPS] and the University of the District of Columbia [UDC] shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control

center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 119. Funds authorized or previously appropriated to the government of the District of

Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 120. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed \$2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

SEC. 121. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 122. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 123. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 124. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation

with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) **REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.**—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) **PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.**—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) **QUARTERLY REPORTS.**—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) **REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.**—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 125. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 126. (a) **RESTRICTIONS ON USE OF OFFICIAL VEHICLES.**—Except as otherwise provided in this section, none of the funds made available

by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) **INVENTORY OF VEHICLES.**—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 127. (a) **SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.**—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) **MODIFICATION OF REDUCTION IN FORCE PROCEDURES.**—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-625.7), is amended as follows:

(a) Subsection (a) is amended by striking the date "September 30, 2000" and inserting the phrase "September 30, 2000, and each subsequent fiscal year" in its place.

(b) Subsection (b) is amended by striking the phrase "Prior to February 1, 2000" and inserting the phrase "Prior to February 1 of each year" in its place.

(c) Subsection (i) is amended by striking the phrase "March 1, 2000" and inserting the phrase "March 1 of each year" in its place.

(d) Subsection (k) is amended by striking the phrase "September 1, 2000" and inserting the phrase "September 1 of each year" in its place.

SEC. 128. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8)

of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 129. (a) **COMPLIANCE WITH BUY AMERICAN ACT.**—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) **SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.**—

(1) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) **PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 130. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 131. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 132. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 134. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 135. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage

real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 136. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 137. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 138. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 139. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Ini-

tiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 140. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 141. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 142. (a) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following:

"COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

"SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

"(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

"(1) A cash management policy.

"(2) A debt management policy.

"(3) A financial asset management policy.

"(4) A contingency reserve management policy in accordance with section 450A(a)(3).

"(5) An emergency reserve management policy in accordance with section 450A(b)(3).

"(6) A policy for determining real property tax exemptions for the District of Columbia.

"(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

"(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor for review and the District of Columbia Financial Responsibility and Management Assistance Authority (in a control year);

"(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia for approval; and

"(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council of the District of Columbia.

"(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—

"(1) CFO.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to section 450B of the District of Columbia Home Rule Act.

"(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council of the District of Columbia for its prompt review and adoption.

"(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the District of Columbia Financial Responsibility and Management Assistance Authority for a review of not to exceed 30 days.

“(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.”

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 143. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47-317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: “Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.”; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: “upon dismissal by the Mayor and approval of that dismissal by a 2/3 vote of the Council of the District of Columbia. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.”.

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47-317.3, D.C. Code) is amended—

(A) in the heading, by striking “DURING A CONTROL YEAR”;

(B) in the matter preceding paragraph (1), by striking “During a control year, the Chief Financial Officer” and inserting “The Chief Financial Officer”;

(C) in paragraph (1), by striking “Preparing” and inserting “During a control year, preparing”;

(D) in paragraph (3), by striking “Assuring” and inserting “During a control year, assuring”;

(E) in paragraph (5), by striking “With the Approval” and all that follows through “the Council—” and inserting “Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—”;

(F) in paragraph (11), by striking “or the Authority” and inserting “(or by the Authority during a control year)”; and

(G) by adding at the end the following new paragraphs:

“(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

“(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

“(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

“(21) Administering the centralized District government payroll and retirement systems.

“(22) Governing the accounting policies and systems applicable to the District government.

“(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

“(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).”.

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47-317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking “or subsection (d)”; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 144. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code 1-601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

SEC. 145. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100-71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the “agency”) may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100-71 or 12 months after the date referred to in paragraph (1), whichever is later.

SEC. 146. The Mayor of the District of Columbia shall submit quarterly reports to the Senate Committees on Appropriations and Governmental Affairs, commencing October 1, 2000, addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible

but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 147. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

“RESERVE FUNDS

“SEC. 450A. (a) EMERGENCY RESERVE FUND.—

“(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the ‘emergency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum emergency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2001, 1 percent.

“(ii) For fiscal year 2002, 2 percent.

“(iii) For fiscal year 2003, 3 percent.

“(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

“(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) or unexpected obligations by Federal law.

“(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6-1504, D.C. Code).

“(C) The emergency reserve fund may not be used to fund—

“(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

“(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

“(iii) settlements and judgments made by or against the Government of the District of Columbia.

“(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

“(A) an analysis has been prepared by the Chief Financial Officer of the availability of

other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

“(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

“(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated for operating expenditures by the following fiscal year.

“(b) CONTINGENCY RESERVE FUND.—

“(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the ‘contingency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum contingency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2005, 1 percent.

“(ii) For fiscal year 2006, 2 percent.

“(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

“(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public

safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

“(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

“(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

“(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated for operating expenditures by the following fiscal year.

“(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.”

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

“Sec. 450A. Reserve funds.”

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), D.C. Code) is amended by striking “Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act” and inserting “For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year”.

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47–392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

This Act may be cited as the “District of Columbia Appropriations Act, 2001”.

THE CALENDAR

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the following bills en bloc: Calendar No. 599, S. 150; Calendar No. 600, S. 11; Calendar No. 601, S. 451; Calendar No. 602, S. 1078; Calendar No. 603, S. 1513; Calendar No. 604, S. 2019; Cal-

endar No. 651, S. 869; Calendar No. 659, H.R. 3646; Calendar No. 735, S. 2000; Calendar No. 736, S. 2002; Calendar No. 738, S. 2289; and Calendar No. 824, S. 785.

I ask unanimous consent that amendment No. 4277 to H.R. 3646 be agreed to, any committee amendments be agreed to, as amended, if amended, the bills be read a third time and passed, the motions to reconsider be laid upon the table, any title amendments be agreed to, and any statements relating to any of the bills be printed in the RECORD, with the above occurring en bloc.

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

RELIEF OF MARINA KHALINA AND HER SON, ALBERT MIFTAKHOV

The bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 150

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marina Khalina and her son, Albert Miftakhov, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marina Khalina and her son, Albert Miftakhov, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF WEI JINGSHENG

The bill (S. 11) for the relief of Wei Jingsheng was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 11

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

SECTION 1. PERMANENT RESIDENCE.

(a) SHORT TITLE.—This Act may be cited as the “Wei Jingsheng Freedom of Conscience Act”.

(b) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the

Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF SAEED REZAI

The bill (S. 451) for the relief of Saeed Rezaei was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 451

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Saeed Rezaei shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Saeed Rezaei as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF ELIZABETH EKA BASSEY AND HER CHILDREN

The Senate proceeded to consider the bill (S. 1078) for the relief of M.S. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic, as follows:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Amend the title to read as follows:

“A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.”

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

The bill (S. 1078) was read the third time and passed.

The title was amended so as to read:

A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

RELIEF OF JACQUELINE SALINAS AND HER CHILDREN

The bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1513

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF VISAS.

Upon the granting of permanent residence to Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF MALIA MILLER

The bill (S. 2019) for the relief of Malia Miller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2019

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

SECTION 1. PERMANENT RESIDENT STATUS FOR MALIA MILLER.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Malia Miller shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Malia Miller enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall

apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Malia Miller, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF MINA VAHEDI NOTASH

The bill (S. 869) for the relief of Mina Vahedi Notash was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 869

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

SECTION 1. PERMANENT RESIDENT STATUS FOR MINA VAHEDI NOTASH.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Mina Vahedi Notash shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Mina Vahedi Notash enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Mina Vahedi Notash, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

RELIEF OF PERSIAN GULF EVACUEES

The Senate proceeded to consider the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, which had been reported from the Committee on the

Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) *IN GENERAL.*—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) *ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.*—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Amal Mustafa and Raed Mustafa.

(4) Shaher M. Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikapurawala, Nafisa Bhikapurawala, and Tasnim Bhikapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musteh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Aemi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohammed Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sestinando P. Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sestinando Paguio Suaverdez II.

(37) Hanan Said and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Farah Bader Shaath and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raouf Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Maha A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) *WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.*—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) *OFFSET IN NUMBER OF VISAS AVAILABLE.*—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

AMENDMENT NO. 4277

(Purpose: To make technical amendments)

On page 8, strike line 8 and insert the following:

(3) Jihad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

The amendment (No. 4277) was agreed to.

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

The bill (H.R. 3646), as amended, was read the third time and passed.

RELIEF OF GUY TAYLOR

The bill (S. 2000) for the relief of Guy Taylor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2000

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

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) *IN GENERAL.*—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) *ADJUSTMENT OF STATUS.*—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) *DEADLINE FOR APPLICATION AND PAYMENT OF FEES.*—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) *REDUCTION OF IMMIGRANT VISA NUMBER.*—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF TONY LARA

The Senate proceeded to consider the bill (S. 2002) for the Relief of Tony Lara, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 2002

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

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) *IN GENERAL.*—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) *ADJUSTMENT OF STATUS.*—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) *DEADLINE FOR APPLICATION AND PAYMENT OF FEES.*—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to [Guy Taylor] Tony Lara, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The committee amendment was agreed to:

The bill (S. 2002), as amended, was read the third time and passed.

RELIEF OF JOSE GUADALUPE TELLEZ PINALES

The bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2289

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Guadalupe Tellez Pinales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

RELIEF OF FRANCES SCHOCHENMAIER

The Senate proceeded to consider the bill (S. 785) for the relief of Frances Schochenmaier, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. RELIEF OF FRANCES SCHOCHENMAIER.

The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Frances Schochenmaier of Bonesteel, South Dakota, the sum of \$60,567.58 in compensation for the erroneous underpayment to Herman Schochenmaier, husband of Frances Schochenmaier, during the period from September 1945 to March 1995, of compensation and other benefits relating to a service-connected disability incurred by Herman Schochenmaier during military service in World War II.

SEC. 2. RELIEF OF MARY HUDSON.

Notwithstanding section 5121(a) of title 38, United States Code, or any other provision of law, the Secretary of Veterans Affairs shall not recover from the estate of Wallace Hudson, formerly of Russellville, Alabama, or from Mary Hudson, the surviving spouse of Wallace Hudson, the sum of \$97,253 paid to Wallace Hudson for compensation and other benefits relating to a service-connected disability incurred by Wallace Hudson during active military service in World War II, which payment was mailed by the Secretary to Wallace Hudson in January 2000 but was delivered after Wallace Hudson's death.

SEC. 3. LIMITATION ON FEES.

(a) IN GENERAL.—Not more than a total of 10 percent of the payment required by section 1 or retained under section 2 may be paid to or received by agents or attorneys for services rendered in connection with obtaining or retaining such payment, as the case may be, any contract to the contrary notwithstanding.

(b) VIOLATION.—Any person who violates subsection (a) shall be fined not more than \$1,000.

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

The bill (S. 785), as amended, was agreed to.

The title was amended so as to read:

A Bill for the relief of Francis Schochenmaier and Mary Hudson.

PRESIDENTIAL TRANSITION ACT OF 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 812, H.R. 4931.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4931) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4931) was read the third time and passed.

RELIEF OF AKAL SECURITY, INCORPORATED

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate proceed to the immediate consideration of H.R. 3363.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3363) for the relief of Akal Security, Incorporated.

The Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3363) was read the third time and passed.

AMENDING THE NATIONAL HOUSING ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5193 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5193) was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 139, introduced earlier today by Senator INOUE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRAMS. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 139) was agreed to, as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term "sponsor" means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication

of the National Japanese-American Memorial to Patriotism in the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

COASTAL ZONE MANAGEMENT ACT OF 1999

Mr. GRAMS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 803, S. 1534.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Zone Management Act of 2000".

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein," in paragraph (4) (as so redesignated) and inserting "dependent on that habitat,";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved."; and

(7) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.".

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(3) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(4) by inserting "other countries," after "agencies," in paragraph (5);

(5) by striking "and" at the end of paragraph (5);

(6) by striking "zone." in paragraph (6) and inserting "zone,"; and

(7) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

"(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.".

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries."; and

(3) by adding at the end thereof the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315.".

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed \$200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.".

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program,".

(b) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking "less than fee simple" and inserting "other".

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting "or other important coastal habitats" in subsection (b)(1)(A) after "306(d)(9)";

(2) by inserting "or historic" in subsection (b)(2) after "urban";

(3) by adding at the end of subsection (b) the following:

"(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

"(6) The preservation, restoration, enhancement or creation of coastal habitats.";

(4) by striking "and" after the semicolon in subsection (c)(2)(D);

(5) by striking "section." in subsection (c)(2)(E) and inserting "section,";

(6) by adding at the end of subsection (c)(2) the following:

"(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

"(G) the coordination and implementation of approved coastal nonpoint pollution control plans."; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

"(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

"(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

“(C) the Federal funding for the project shall be a portion of that state’s annual allocation under section 306(a).”

“(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state’s share of costs required under any other Federal program that is consistent with the purposes of this section.

“(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state’s approved management program.

“(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).”

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

“(2) Loan repayments made under this subsection—

“(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

“(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.”

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.”

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.”;

(2) by inserting “and removal” after “entry” in subsection (a)(4);

(3) by striking “on various individual uses or activities on resources, such as coastal wetlands and fishery resources.” in subsection (a)(5) and inserting “of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.”;

(4) by adding at the end of subsection (a) the following:

“(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary’s approval of the programs.

“(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.”;

(5) by striking “proposals, taking into account the criteria established by the Secretary under subsection (d).” in subsection (c) and inserting “proposals.”;

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking “section, up to a maximum of \$10,000,000 annually” in subsection (f) and inserting “section.”; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

“SEC. 309A. COASTAL COMMUNITY PROGRAM.

“(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

“(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

“(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

“(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

“(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

“(A) revitalize previously developed areas;

“(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

“(C) emphasize water-dependent uses; and

“(D) protect coastal waters and habitats; and

“(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.”.

“(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

“(1) have a management program approved under section 306; and

“(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

“(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

“(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

“(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

“(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

“(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

“(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

“(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

“(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state’s approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

“(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).”.

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

“(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology

through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.”.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting “coordinated with National Estuarine Research Reserves in the state” after “303(2)(A) through (K).”.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking “shall, using sums in the Coastal Zone Management Fund established under section 308” in subsection (a) and inserting “may, using sums available under this Act”;

(2) by striking “field.” in subsection (a) and inserting the following: “field of coastal zone management. These awards, to be known as the ‘Walter B. Jones Awards’, may include—

“(1) cash awards in an amount not to exceed \$5,000 each;

“(2) research grants; and

“(3) public ceremonies to acknowledge such awards.”;

(3) by striking “shall elect annually—” in subsection (b) and inserting “may select annually if funds are available under subsection (a)—”; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking “consists of—” and inserting “is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation’s estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—”.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking “public education and interpretation; and” and inserting “education, interpretation, training, and demonstration projects; and”.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking “RESEARCH” in the subsection caption and inserting “RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP”;

(2) by striking “conduct of research” and inserting “conduct of research, education, and resource stewardship”;

(3) by striking “coordinated research” in paragraph (1) and inserting “coordinated research, education, and resource stewardship”;

(4) by striking “research” before “principles” in paragraph (2);

(5) by striking “research programs” in paragraph (2) and inserting “research, education, and resource stewardship programs”;

(6) by striking “research” before “methodologies” in paragraph (3);

(7) by striking “data,” in paragraph (3) and inserting “information.”;

(8) by striking “research” before “results” in paragraph (3);

(9) by striking “research purposes;” in paragraph (3) and inserting “research, education, and resource stewardship purposes;”;

(10) by striking “research efforts” in paragraph (4) and inserting “research, education, and resource stewardship efforts”;

(11) by striking “research” in paragraph (5) and inserting “research, education, and resource stewardship”; and

(12) by striking “research” in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking “ESTUARINE RESEARCH.—” in the subsection caption and inserting “ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—”;

(2) by striking “research purposes” and inserting “research, education, and resource stewardship purposes”;

(3) by striking paragraph (1) and inserting the following:

“(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and”;

(4) by striking “research.” in paragraph (2) and inserting “research, education, and resource stewardship activities.”; and

(5) by adding at the end thereof the following: “(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.”

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking “reserve,” in paragraph (1)(A)(i) and inserting “reserve; and”;

(2) by striking “and constructing appropriate reserve facilities, or” in paragraph (1)(A)(ii) and inserting “including resource stewardship activities and constructing reserve facilities; and”;

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

“(B) to any coastal state or public or private person for purposes of—

“(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

“(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).”;

(5) by striking “therein or \$5,000,000, whichever amount is less.” in paragraph (3)(A) and inserting “therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.”;

(6) by striking “and (iii)” in paragraph (3)(B);

(7) by striking “paragraph (1)(A)(iii)” in paragraph (3)(B) and inserting “paragraph (1)(B)”;

(8) by striking “entire System.” in paragraph (3)(B) and inserting “System as a whole.”; and

(9) by adding at the end thereof the following: “(4) The Secretary may—

“(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

“(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.”

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting “coordination with other state programs established under sections 306 and 309A,” after “including”.

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking “to the President for transmittal” in subsection (a);

(2) by striking “zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;” and inserting “zone;” in the provision designated as (10) in subsection (a);

(3) by inserting “education,” after the “studies,” in the provision designated as (12) in subsection (a);

(4) by striking “Secretary” in the first sentence of subsection (c)(1) and inserting “Secretary, in consultation with coastal states, and with the participation of affected Federal agencies;”;

(5) by striking the second sentence of subsection (c)(1) and inserting the following: “The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.”;

(6) by striking “shall promptly” in subsection (c)(2) and inserting “shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,”; and

(7) by adding at the end of subsection (c)(2) the following: “If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.”

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

“(1) for grants under sections 306, 306A, and 309—

“(A) \$70,000,000 for fiscal year 2000;

“(B) \$80,000,000 for fiscal year 2001;

“(C) \$83,500,000 for fiscal year 2002;

“(D) \$87,000,000 for fiscal year 2003; and

“(E) \$90,500,000 for fiscal year 2004;

“(2) for grants under section 309A,—

“(A) \$25,000,000 for fiscal year 2000;

“(B) \$26,000,000 for fiscal year 2001;

“(C) \$27,000,000 for fiscal year 2002;

“(D) \$28,000,000 for fiscal year 2003; and

“(E) \$29,000,000 for fiscal year 2004;

of which \$10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

“(3) for grants under section 315.—

“(A) \$7,000,000 for fiscal year 2000;

“(B) \$12,000,000 for fiscal year 2001;

“(C) \$12,500,000 for fiscal year 2002;

“(D) \$13,000,000 for fiscal year 2003; and

“(E) \$13,500,000 for fiscal year 2004;

“(4) for grants to fund construction projects at estuarine reserves designated under section 315, \$12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

“(5) for costs associated with administering this title, \$5,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.”;

(2) by striking “306 or 309.” in subsection (b) and inserting “306.”;

(3) by striking “during the fiscal year, or during the second fiscal year after the fiscal year, for which” in subsection (c) and inserting “within 3 years from when”;

(4) by striking “under the section for such reverted amount was originally made available.” in subsection (c) and inserting “to states under this Act.”; and

(5) by adding at the end thereof the following: “(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

“(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.”

Mr. McCAIN. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. Originally passed in 1972, the Coastal Zone Management Act, CZMA, was intended to address increased population and devel-

opment in coastal communities. The programs established under this law were designed to balance responsible development with the preservation of the coastal environment. With over half of the U.S. population living in coastal areas, such balance is more important than ever.

This bill reauthorizes the law through fiscal year 2004 and improves the framework of the CZMA—voluntary federal-state matching grant programs. S. 1534 also enhances the ability of coastal zone managers to meet the ever increasing demands of tourism, commercial growth, pollution and environmental protection. In fact, one of the most serious problems facing our coastal environment is the damage caused by polluted runoff, or nonpoint source pollution. Polluted runoff has contributed to human health problems, permanent environmental damage, and beach closures.

The legislation before us today will improve the ability of managers to address polluted runoff in a manner specifically tailored to each state's individual needs. The bill clarifies and confirms that matching federal grants may be used to address nonpoint source pollution under the CZMA. In addition, S. 1534 reauthorizes the coastal zone enhancement grant program and provides dedicated funding for the continued implementation of state coastal nonpoint source pollution plans. Previous provisions had limited the program to projects such as wetlands protection and restoration, protection from coastal hazards, and reduction of marine debris along the coast.

I urge my colleagues to support S. 1534. It is a strong, pro-environment bill, which will provide a series of improvements to the Coastal Zone Management Act. Most importantly, the bill allows local and state environmental problems to be addressed on a community-by-community basis. This bipartisan bill enjoys the strong support of the Coastal States Organization, which represents the governors of more than 30 states, and a coalition of environmental organizations.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and reasonable CZMA bill. In addition, the Committee appreciates the efforts of Jena Carter, a former Sea Grant fellow, and Catherine Wannamaker, two former Commerce staff who helped develop the legislation.

Again I urge the Senate to pass S. 1534, the Coastal Zone Management Act of 2000.

Mr. HOLLINGS. Mr. President, I rise to voice my support in passing S. 1534, a bill to reauthorize the Coastal Zone Management Act for fiscal years 2000 through 2004, which the Commerce Committee reported out favorably this session. First, I would like to commend Senators SNOWE and KERRY for their leadership on this very important reauthorization.

In 1969, the Commission on Marine Science, Engineering and Resources (the Stratton Commission) recommended that: “. . . a Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land.”

In response to this recommendation, Congress, in 1972, enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage state participation, the CZMA established a voluntary, two-stage, state assistance program. The first stage, awarded “section 305” grants to coastal states for development of coastal management programs meeting certain federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for states to implement their federally-approved coastal programs. All grants require equal matching funds from the state. Since passage of the CZMA, all 34 eligible states and territories have participated in the program to some degree. Currently, 34 of the 35 eligible coastal states and territories have Federally approved plans. The approved plans include more than 100,000 miles of coastline, which represents nearly all of the national total covered by the Act. The Ohio, Georgia, and Texas, and Minnesota state CZMA programs all received federal approval within the past three years. Of the eligible states, only Illinois is not participating.

Let me note that the nature and structure of CZM programs vary widely from state to state. This diversity was intended by Congress. Some states, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other states, like Oregon, used existing land use legislation as the foundation for their federally-approved programs. Finally, states like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal

states and local governments. Through the CZMA, these collective authorities are orchestrated to serve the “national interest in effective management, beneficial use, protection, and development of the coastal zone.” This 28 year program is a success story of how the local, state and federal government can work together for the benefit of all who enjoy and rely on our coastal resources.

I am pleased to report that S. 1534 reauthorizes and strengthens a program that works well. It provides total authorizations of over \$136 million, and adds a new Coastal Community Grant Program under section 309A for states that want to focus on coastal community-based initiatives. This provision is aimed at addressing the need for Federal and state support of community-based planning, strategies, and solutions for local sprawl and development issues in the coastal zone. In addition, it strengthens and provides increased authorizations for the National Estuarine Research Reserve System, natural labs operated by the states that support management-oriented research needed by coastal resource managers, as well as educational and interpretive programs to improve public awareness and understanding of the coastal environment.

While the CZMA has proven greatly successful, the world has changed since 1972. Today, over half of the U.S. population lives within 50 miles of our shores—and more than 3,000 people move to the coast every day. In addition, more than 30 percent of the Gross Domestic Product is generated in the coastal zone. In my state of South Carolina, our beaches now attract millions of visitors every year, all year long, placing greater demands on our coastal resources than every before. And more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the state. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must allow our states to do a better job of planning how we impact the very regions in which we all want to live.

Strengthening the CZMA is one important step in addressing these problems. These changes also call for another look at our overall ocean and coastal policy, which is why Congress this year enacted the Oceans Act of 2000, with the strong bipartisan support, including that of Senators SNOWE, KERRY, STEVENS and BREAUX. Through reauthorization and strengthening of the CZMA and creation of a new Ocean Policy Commission called for in the Oceans Act, we are on track in the year 2000 to continue and improve upon the good work started by the Stratton Commission in 1969.

Ms. SNOWE. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal states can choose to participate in the voluntary federal Coastal Zone Management Program. States design individual coastal zone management programs, taking their specific needs and problems into account, and then receive federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, protecting habitat, to coordinating permits for coastal development.

The Coastal Zone Management Act was originally enacted by Congress in 1972, in response to concerns over the increasing demands being placed on our nation's coastal regions and resources. These pressures have increased greatly since the Act was originally authorized. Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, it is home to more than 53 percent of the U.S. population, and more than 3,600 people are relocating there annually. It is also an extremely important region economically, supporting commercial and recreational fishing, a booming coastal tourism industry, major commercial shipping, and a variety of other coastal industries.

The coastal zone is comprised of a number of delicate and extremely important ecosystems. Its health is of vital importance not only to the multitude of plants and animals that inhabit this area, but also the people and communities that are dependent on it for their livelihood. For example, coastal estuaries provide habitat for more than 75 percent of the U.S. commercial and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, with value-added services included, contributes \$40 billion to the U.S. economy each year. Recreational fishing added another \$25 billion to the economy. Unfortunately, these major economic contributions are being threatened by environmental problems such as non-point source pollution.

Non-point source pollution is degrading the condition of our coastal rivers, wetlands, and marine environments. Although the states are currently taking action to address this problem under existing authority, the Coastal Zone Management Act of 2000 encourages them to take additional steps to combat the problem through the Coastal Community Program. This initiative provides states with the funding and flexibility needed to deal with their specific non-point source pollution problems. The states will have the ability to implement local solutions to local problems.

The Coastal Community Program in this bill also aides states in developing and implementing creative initiatives to deal with problems other than non-point solution. It increases federal and state support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical. It allows communities to design their own solutions to their unique coastal environmental problems. The program also allows communities to be proactive in protecting their coastal resources, preventing them from reaching a point where drastic action may become necessary.

The Coastal Zone Management Act of 2000 significantly increases authorization levels for the Coastal Zone Management Program, allowing states to better address their coastal management plan goals. The bill authorizes \$135.5 million for fiscal year 2001 and increases the authorization levels by \$5.5 million each year through fiscal year 2004.

To provide further flexibility, the bill allows state matching funds to accrue in aggregate, as opposed to requiring the states to match each section individually. In my own state of Maine, our Coastal Zone Management Program raises an average of seven dollars in state matching funds for every single federal dollar appropriated. Unfortunately, not all states have been as successful. The new aggregate match provision will give coastal states more leeway to address important state and community projects.

Additionally, the Coastal Zone Management Act of 2000 increases authorization for the National Estuarine Research Reserve System (NERRS) to \$12 million in fiscal year 2001 with an additional \$1 million increase each year through fiscal year 2004. The NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership. Currently, there are 25 reserves in 22 states. They provide an important opportunity for long-term research and education in estuarine ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant section, section 306, serves as the base funding mechanism for the states' coastal zone management programs. The amount of funding each state receives is determined by a formula that takes into account both the length of coastline and the population of each state. However, since 1992, the Appropriations Committee has imposed a two million dollar cap per state on Admin-

istrative Grants. This was an attempt to ensure equitable allocation to all the participating states. However, over the past eight years, appropriations for Administrative Grants have increased by \$19 million, yet the \$2 million cap has remained. The result has been an inequitable distribution of these new funds. In fiscal year 2000, 13 states had reached this arbitrary \$2 million cap. These 13 states account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 states with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller states have enjoyed additional programmatic success due to an influx of funding, some of the larger states have stagnated. In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure equitable increases or decreases between funding years for each state. It further requires that states should not experience a decrease in base program funds in any year when the overall appropriations increase. I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the states be treated fairly.

The Coastal Zone Management Act enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program. I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, a co-sponsor of the bill and the Chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. I urge the Senate to pass S. 1534, as amended.

AMENDMENT NO. 4278

Mr. GRAMS. Mr. President, Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Ms. SNOWE, proposes an amendment numbered 4278.

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

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

The amendment is as follows:

(Purpose: To increase authorization levels for the National Estuarine Research Reserve System and for other purposes.)

On page 28, between lines 20 and 21, insert the following:

(b) **EQUITABLE ALLOCATION OF FUNDING.**—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof “In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.”.

On page 28, line 21, strike “(b)” and insert “(c)”.

On page 45, strike lines 7 through line 10 and insert the following:

“(C) \$13,000,000 for fiscal year 2002;
“(D) \$14,000,000 for fiscal year 2003; and
“(E) \$15,000,000 for fiscal year 2004;

On page 45, line 16, strike “\$5,500,000” and insert “\$6,500,000”.

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Under Secretary for Oceans and Atmosphere should reevaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

Mr. GRAMS. I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4278) was agreed to.

Mr. GRAMS. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

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

The bill (S. 1534), as amended, was read the third time and passed, as follows:

S. 1534

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 “Coastal Zone Management Act of 2000”.

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein," in paragraph (4) (as so redesignated) and inserting "dependent on that habitat,";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved.";

(7) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization."

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(3) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(4) by inserting "other countries," after "agencies," in paragraph (5);

(5) by striking "and" at the end of paragraph (5);

(6) by striking "zone," in paragraph (6) and inserting "zone"; and

(7) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

"(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems."

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries.";

(3) by adding at the end thereof the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means

strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315."

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed \$200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306."

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program,".

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking "less than fee simple" and inserting "other".

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting "or other important coastal habitats" in subsection (b)(1)(A) after "306(d)(9)";

(2) by inserting "or historic" in subsection (b)(2) after "urban";

(3) by adding at the end of subsection (b) the following:

"(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

"(6) The preservation, restoration, enhancement or creation of coastal habitats.";

(4) by striking "and" after the semicolon in subsection (c)(2)(D);

(5) by striking "section." in subsection (c)(2)(E) and inserting "section";

(6) by adding at the end of subsection (c)(2) the following:

"(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

"(G) the coordination and implementation of approved coastal nonpoint pollution control plans.";

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

"(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

"(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

"(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

"(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

"(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

"(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b)."

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

"(2) Loan repayments made under this subsection—

"(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

"(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title."

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act."

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

"(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.";

(2) by inserting "and removal" after "entry" in subsection (a)(4);

(3) by striking “on various individual uses or activities on resources, such as coastal wetlands and fishery resources.” in subsection (a)(5) and inserting “of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.”;

(4) by adding at the end of subsection (a) the following:

“(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary’s approval of the programs.

“(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.”;

(5) by striking “proposals, taking into account the criteria established by the Secretary under subsection (d).” in subsection (c) and inserting “proposals.”;

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking “section, up to a maximum of \$10,000,000 annually” in subsection (f) and inserting “section.”; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

“SEC. 309A. COASTAL COMMUNITY PROGRAM.

“(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

“(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

“(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

“(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

“(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

“(A) revitalize previously developed areas;

“(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

“(C) emphasize water-dependent uses; and

“(D) protect coastal waters and habitats; and

“(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.”.

“(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

“(1) have a management program approved under section 306; and

“(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

“(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

“(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

“(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

“(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

“(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

“(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

“(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

“(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state’s approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

“(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).”.

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

“(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.”.

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting “coordinated with National Estuarine Research Reserves in the state” after “303(2)(A) through (K).”.

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking “shall, using sums in the Coastal Zone Management Fund established under section 308” in subsection (a) and inserting “may, using sums available under this Act”;

(2) by striking “field.” in subsection (a) and inserting the following: “field of coastal zone management. These awards, to be known as the ‘Walter B. Jones Awards’, may include—

“(1) cash awards in an amount not to exceed \$5,000 each;

“(2) research grants; and

“(3) public ceremonies to acknowledge such awards.”;

(3) by striking “shall elect annually—” in subsection (b) and inserting “may select annually if funds are available under subsection (a)—”; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking “consists of—” and inserting “is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation’s estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—”.

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking “public education and interpretation; and” and inserting “education, interpretation, training, and demonstration projects; and”.

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking “RESEARCH” in the subsection caption and inserting “RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP”;

(2) by striking “conduct of research” and inserting “conduct of research, education, and resource stewardship”;

(3) by striking “coordinated research” in paragraph (1) and inserting “coordinated research, education, and resource stewardship”;

(4) by striking “research” before “principles” in paragraph (2);

(5) by striking “research programs” in paragraph (2) and inserting “research, education, and resource stewardship programs”;

(6) by striking “research” before “methodologies” in paragraph (3);

(7) by striking “data,” in paragraph (3) and inserting “information.”;

(8) by striking “research” before “results” in paragraph (3);

(9) by striking “research purposes;” in paragraph (3) and inserting “research, education, and resource stewardship purposes;”;

(10) by striking “research efforts” in paragraph (4) and inserting “research, education, and resource stewardship efforts”;

(11) by striking “research” in paragraph (5) and inserting “research, education, and resource stewardship”;

(12) by striking “research” in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking “ESTUARINE RESEARCH.—” in the subsection caption and inserting “ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—”;

(2) by striking “research purposes” and inserting “research, education, and resource stewardship purposes”;

(3) by striking paragraph (1) and inserting the following:

“(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and”;

(4) by striking “research.” in paragraph (2) and inserting “research, education, and resource stewardship activities.”; and

(5) by adding at the end thereof the following:

“(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.”.

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking “reserve,” in paragraph (1)(A)(i) and inserting “reserve; and”;

(2) by striking “and constructing appropriate reserve facilities, or” in paragraph (1)(A)(ii) and inserting “including resource stewardship activities and constructing reserve facilities; and”;

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

“(B) to any coastal state or public or private person for purposes of—

“(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

“(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).”;

(5) by striking “therein or \$5,000,000, whichever amount is less.” in paragraph (3)(A) and

inserting "therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.";

(6) by striking "and (iii)" in paragraph (3)(B);

(7) by striking "paragraph (1)(A)(iii)" in paragraph (3)(B) and inserting "paragraph (1)(B)";

(8) by striking "entire System." in paragraph (3)(B) and inserting "System as a whole."; and

(9) by adding at the end thereof the following:

"(4) The Secretary may—

"(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

"(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section."

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting "coordination with other state programs established under sections 306 and 309A," after "including".

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking "to the President for transmittal" in subsection (a);

(2) by striking "zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;" and inserting "zone;" in the provision designated as (10) in subsection (a);

(3) by inserting "education," after the "studies," in the provision designated as (12) in subsection (a);

(4) by striking "Secretary" in the first sentence of subsection (c)(1) and inserting "Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,";

(5) by striking the second sentence of subsection (c)(1) and inserting the following: "The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.";

(6) by striking "shall promptly" in subsection (c)(2) and inserting "shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,"; and

(7) by adding at the end of subsection (c)(2) the following: "If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress."

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) for grants under sections 306, 306A, and 309—

"(A) \$70,000,000 for fiscal year 2000;

"(B) \$80,000,000 for fiscal year 2001;

"(C) \$83,500,000 for fiscal year 2002;

"(D) \$87,000,000 for fiscal year 2003; and

"(E) \$90,500,000 for fiscal year 2004;

"(2) for grants under section 309A—

"(A) \$25,000,000 for fiscal year 2000;

"(B) \$26,000,000 for fiscal year 2001;

"(C) \$27,000,000 for fiscal year 2002;

"(D) \$28,000,000 for fiscal year 2003; and

"(E) \$29,000,000 for fiscal year 2004;

of which \$10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

"(3) for grants under section 315—

"(A) \$7,000,000 for fiscal year 2000;

"(B) \$12,000,000 for fiscal year 2001;

"(C) \$13,000,000 for fiscal year 2002;

"(D) \$14,000,000 for fiscal year 2003; and

"(E) \$15,000,000 for fiscal year 2004;

"(4) for grants to fund construction projects at estuarine reserves designated under section 315, \$12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

"(5) for costs associated with administering this title, \$6,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.";

(2) by striking "306 or 309." in subsection (b) and inserting "306.";

(3) by striking "during the fiscal year, or during the second fiscal year after the fiscal year, for which" in subsection (c) and inserting "within 3 years from when";

(4) by striking "under the section for such reverted amount was originally made available." in subsection (c) and inserting "to states under this Act."; and

(5) by adding at the end thereof the following:

"(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

"(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce."

SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 686, S. 2487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2487) to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2001".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated, as Appropriations Acts may provide, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, not to exceed \$80,240,000 for the fiscal year ending September 30, 2001.

(2) For the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), \$50,000,000, to be available until expended. In addition, for administrative expenses related to loan guarantee commitments under title XI of that Act, \$4,179,000.

SEC. 3. AMENDMENTS TO TITLE IX OF THE MERCHANT MARINE ACT, 1936.

(a) Title IX of the Merchant Marine Act, 1936 (46 U.S.C. App. 101 et seq.) is amended by adding at the end thereof the following:

"SEC. 910. DOCUMENTATION OF CERTAIN DRY CARGO VESSELS.

"(a) IN GENERAL.—The restrictions of section 901(b)(1) of this Act concerning a vessel built in a foreign country shall not apply to a newly constructed drybulk or breakbulk vessel over 7,500 deadweight tons that has been delivered from a foreign shipyard or contracted for construction in a foreign shipyard before the earlier of—

"(1) the date that is 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2001; or

"(2) the effective date of the OECD Shipbuilding Trade Agreement Act.

"(b) COMPLIANCE WITH CERTAIN U.S.-BUILD REQUIREMENTS.—A vessel timely contracted for or delivered pursuant to this section and documented under the laws of the United States shall be deemed to have been United-States built for purposes of sections 901(b) and 901b of this Act if—

"(1) following delivery by a foreign shipyard, the vessel has any additional shipyard work necessary to receive its initial Coast Guard certificate of inspection performed in a United States shipyard;

"(2) the vessel is not documented in another country before being documented under the laws of the United States;

"(3) the vessel complies with the same inspection standards set forth for ocean common carriers in section 1137 of the Coast Guard Authorization Act of 1996 (46 U.S.C. App. 1187 note); and

"(4) actual delivery of a vessel contracted for construction takes place on or before the 3-year anniversary of the date of the contract to construct the vessel.

"(c) SECTION 12106(e) OF TITLE 46.—Section 12106(e) of title 46, United States Code, shall not apply to a vessel built pursuant to this section."

(b) CONFORMING CALENDAR YEAR TO FEDERAL FISCAL YEAR FOR SECTION 901b PURPOSES.—Section 901b(c)(2) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(c)(2)) is amended by striking "1986." and inserting "1986, the 18-month period commencing April 1, 2000, and the 12-month period beginning on the first day of October in the year 2001 and each year thereafter."

SEC. 4. SCRAPPING OF CERTAIN VESSELS.

(a) INTERNATIONAL ENVIRONMENTAL SCRAPPING STANDARD.—The Secretary of State in coordination with the Secretary of Transportation shall initiate discussions in all appropriate international forums in order to establish an international standard for the scrapping of vessels in a safe and environmentally sound manner.

(b) SCRAPPING OF OBSOLETE NATIONAL DEFENSE RESERVE FLEET VESSELS.—

(1) **DEVELOPMENT OF A SHIP SCRAPPING PROGRAM.**—The Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, the Assistant Secretary for Occupational Safety and Health, and the Secretary of State, shall develop a program within 9 months after the date of enactment of this Act for the scrapping of obsolete National Defense Reserve Fleet Vessels and report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Services.

(A) **CONTENT.**—The report shall include information concerning the initial determination of scrapping capacity, both domestically and abroad, development of appropriate regulations, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and long term cost estimates for the ship scrapping program.

(B) **ALTERNATIVES.**—In developing the program the Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of State shall consider all alternatives and available information including—

- (i) alternative scrapping sites;
- (ii) vessel donations;
- (iii) sinking of vessels in deep water;
- (iv) sinking vessels for development of artificial reefs;
- (v) sales of vessels before they become obsolete;
- (vi) results from the Navy Pilot Scrapping Program under section 8124 of the Department of Defense Appropriations Act, 1999; and
- (vii) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April, 1998.

(2) **SELECTION OF SCRAPPING FACILITIES.**—Notwithstanding the provisions of the Toxic Substances Control Act (15 U.S.C. 2605 et seq.), a ship scrapping program shall be accomplished through qualified scrapping facilities whether located in the United States or abroad. Scrapping facilities shall be selected on a best value basis taking into consideration, among other things, the facilities's ability to scrap vessels—

- (A) economically;
- (B) in a safe and timely manner;
- (C) with minimal impact on the environment;
- (D) with proper respect for worker safety; and
- (E) by minimizing the geographic distance that a vessel must be towed when such a vessel poses a serious threat to the environment.

(3) **AMENDMENT OF NATIONAL MARITIME HERITAGE ACT.**—Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(A) by striking “2001” in subparagraph (A) and inserting “2006”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) in the most cost effective manner to the United States taking into account the need for disposal, the environment, and safety concerns; and”.

(4) **FUNDING FOR SCRAPPING.**—Section 2218(c)(1)(E) of title 10, United States Code, is amended by inserting “and scrapping the vessels of” after “maintaining”.

(c) **LIMITATION ON SCRAPPING BEFORE PROGRAM.**—Until the report required by subsection (b)(1) is transmitted to the Congress, the Secretary may not proceed with the scrapping of any vessels in the National Defense Reserve Fleet except the following:

- (1) EXPORT CHALLENGER.
- (2) EXPORT COMMERCE.
- (3) BUILDER.
- (4) ALBERT E. WATTS.
- (5) WAYNE VICTORY.
- (6) MORMACDAWN.

- (7) MORMACMOON.
- (8) SANTA ELENA.
- (9) SANTA ISABEL.
- (10) SANTA CRUZ.
- (11) PROTECTOR.
- (12) LAUDERDALE.
- (13) PVT. FRED C. MURPHY.
- (14) BEAUJOLAIS.
- (15) MEACHAM.
- (16) NEACO.
- (17) WABASH.
- (18) NEMASKET.
- (19) MIRFAK.
- (20) GEN. ALEX M. PATCH.
- (21) ARTHUR M. HUDDALL.
- (22) WASHINGTON.
- (23) SUFFOLK COUNTY.
- (24) CRANDALL.
- (25) CRILLEY.
- (26) RIGEL.
- (27) VEGA.
- (28) COMPASS ISLAND.
- (29) DONNER.
- (30) PRESERVER.
- (31) MARINE FIDDLER.
- (32) WOOD COUNTY.
- (33) CATAWBA VICTORY.
- (34) GEN. NELSON M. WALKER.
- (35) LORAIN COUNTY.
- (36) LYNCH.
- (37) MISSION SANTA YNEZ.
- (38) CALOOSAHATCHEE.
- (39) CANISTEO.

(d) **BIANNUAL REPORT.**—Beginning 1 year after the date of enactment of this Act, the Secretary of Transportation in coordination with the Secretary of the Navy shall report to Congress biannually on the progress of the ship scrapping program developed under subsection (b)(1) and on the progress of any other scrapping of obsolete government-owned vessels.

SEC. 5. REPORTING OF ADMINISTERED AND OVERSIGHT FUNDS.

The Maritime Administration, in its annual report to the Congress under section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118), and in its annual budget estimate submitted to the Congress, shall state separately the amount, source, intended use, and nature of any funds (other than funds appropriated to the Administration or to the Secretary of Transportation for use by the Administration) administered, or subject to oversight, by the Administration.

SEC. 6. MARITIME INTERMODAL RESEARCH.

Section 8 of Public Law 101-115 (46 U.S.C. App. 1121-2) is amended by adding at the end thereof the following:

“(f) **UNIVERSITY TRANSPORTATION RESEARCH FUNDS.**—

“(1) **IN GENERAL.**—The Secretary may make a grant under section 5505 of title 49, United States Code, to an institute designated under subsection (a) for maritime and maritime intermodal research under that section as if the institute were a university transportation center.

“(2) **ADVICE AND CONSULTATION OF MARAD.**—In making a grant under the authority of paragraph (1), the Secretary, through the Research and Special Programs Administration, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.”.

SEC. 7. MARITIME RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of Transportation shall conduct a study of maritime research and technology development, and report its findings and conclusions, together with any recommendations it finds appropriate, to the Congress within 9 months after the date of enactment of this Act.

(b) **REQUIRED AREAS OF STUDY.**—The Secretary shall include the following items in the report required by subsection (a):

(1) The approximate dollar values appropriated by the Congress for each of the 5 fiscal years ending before the study is commenced for each of the following modes of transportation:

- (A) Highway.
- (B) Rail.
- (C) Aviation.
- (D) Public transit.
- (E) Maritime.

(2) A description of how Federal funds appropriated for research in the different transportation modes are utilized.

(3) A summary and description of current research and technology development funds appropriated for each of those fiscal years for maritime research initiatives, with separate categories for funds provided to the Coast Guard for marine safety research purposes.

(4) A description of cooperative mechanisms that could be used to attract and leverage non-federal investments in United States maritime research and technology development and application programs, including the potential for the creation of maritime transportation research centers and the benefits of cooperating with existing surface transportation research centers.

(5) Proposals for research and technology development funding to facilitate the evolution of Maritime Transportation System.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$100,000 to carry out this section.

SEC. 8. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding any other law, the Secretary of Transportation may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB-4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut.

(b) **TERMS OF CONVEYANCE.**—

(1) **REQUIRED CONDITIONS.**—The Secretary may not convey the vessel under this section unless the corporation—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(2) **DELIVERY OF VESSEL.**—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) **ADDITIONAL TERMS.**—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) *OTHER UNNEEDED EQUIPMENT.*—If the Secretary conveys the vessel under this section, the Secretary may also convey to the corporation any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) *RETENTION OF VESSEL IN NDRF.*—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

Mr. GRAMS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

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

The bill (S. 2487), as amended, was read the third time and passed.

VESSEL WORKER TAX FAIRNESS ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 830, S. 893.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today the Senate is considering S. 893, the Vessel Worker Tax Fairness Act. The bill will provide men and women working our nation's inland waterways the same treatment with respect to State and local income taxes as other men and women employed in interstate transportation of commerce receive. This measure was passed unanimously out of the Senate Commerce Committee on June 15 of this year.

S. 893 declares individuals engaged on a vessel to perform assigned duties in more than one State to be exempt from income taxation laws of States or political subdivisions of which that individual is not a resident.

While the Interstate Commerce Act exempts truck drivers, airline pilots, and railroad employees from being taxed by state and local jurisdictions in which they do not reside, it does not recognize merchant mariners who operate vessels in more than one state. It is time we correct this oversight and afford merchant mariners the same tax treatment similar transport operators are provided due to the interstate nature of their business.

By passing this measure today, we will be providing much needed relief to merchant mariners. Under existing law, water transportation workers, including marine pilots, tow and tugboat workers and others who work aboard vessels are often subjected to filing and tax requirements by states other than their state of residence leading to possible double taxation. I do not believe that double taxation is what Congress intended for any transportation worker when it crafted the Interstate Commerce Act. By passing S. 893 today, we can make that intent reality.

I thank Senator GORTON for his efforts in bringing this bill forward. I hope my colleagues will join us in supporting passage of this legislation so we can move it on to the President for his signature.

Mr. GORTON. Mr. President, I am glad that the U.S. Senate is finally passing the Transportation Worker Tax Fairness Act. This bi-partisan legislation, which I introduced with Senator MURRAY, will ensure that transportation workers who toil away on our nation's waterways receive the same tax treatment afforded their peers who work on the nation's highways, railroads, or navigate the skies.

Truck drivers, railroad personnel, and airline personnel are currently covered by the Interstate Commerce Act, which exempts their income from double taxation. Water carriers, who work on tugboats or ships, were not included in the original legislation. This treatment is patently unfair. The Transportation Worker Tax Fairness Act will rectify this situation by extending the same tax treatment to personnel who work on the navigable waters of more than one state.

Mr. President, this legislation will have no impact on the federal treasury. This measure simply allows those who work our navigable waterways protection from double taxation.

This matter came to my attention through a series of constituent letters from Columbia River tug boat operators who are currently facing taxation from Oregon as well as Washington state. I am committed to securing this relief for my constituents, as well as hard working tug boat operators across the nation, before the end of the 106th Congress.

Mr. GRAMS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 893) was read the third time and passed, as follows:

S. 893

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

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting “(a) WITHHOLDING.—” before “WAGES”; and

(2) by adding at the end the following:

“(b) LIABILITY.—

“(1) LIMITATION ON JURISDICTION TO TAX.— An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

“(2) APPLICATION.—This subsection applies to an individual—

“(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

“(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.”

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 2000

Mr. GRAMS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the 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.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 704) entitled “An Act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs,” do pass with the following amendment:

Strike out all after the enacting clause and insert:

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 non-institutional 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 health 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.

“(1) 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.”

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

FEDERAL JUDICIARY PROTECTION ACT OF 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 731, S. 113.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 113) to increase the criminal penalties for assaulting or threatening Federal

judges, their family members, and other public servants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to see the Federal Judiciary Protection Act finally being acted on by the Senate today. In the last Congress, I was pleased to cosponsor nearly identical legislation introduced by Senator Gordon SMITH, which unanimously passed the Senate Judiciary Committee and the Senate but was not acted upon by the House of Representatives. I commend the Senator from Oregon for his continued leadership in protecting our Federal judiciary.

Our bipartisan legislation would provide greater protection to Federal judges, law enforcement officers and their families. Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal government.

For example, a courtroom in Urbana, Illinois was firebombed last year, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the federal office building in Oklahoma City in 1995. In my home state during the summer of 1997, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and

his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some have used in the past to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives has been quoted as saying: "The judges need to be intimidated," and if they do not behave, "we're going to go after them in a big way." I know that this official did not intend to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to preserving its public standing.

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 of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I urge the House of Representatives to pass the Federal Judiciary Protection Act and look forward to its swift enactment into law.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 113) was read the third time and passed, as follows:

S. 113

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 Judiciary Protection Act of 1999".

SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

SEC. 4. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve

the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

COMMENDING THE LATE ERNEST BURGESS, MD, FOR HIS SERVICE TO THE NATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 363, submitted earlier today by Senator KERREY of Nebraska.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 363) commending the late Ernest Burgess, MD, for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 363) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions

recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unflinching dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 664, S. 1438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1438) to establish the National Law Enforcement Museum on Federal lands in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) *MEMORIAL FUND.*—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) *MUSEUM.*—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) *ESTABLISHMENT.*—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

- (1) E Street, NW., on the north;
- (2) 5th Street, NW., on the west;
- (3) 4th Street, NW., on the east; and
- (4) Indiana Avenue, NW., on the south.

(b) *DESIGN AND PLANS.*—

(1) *IN GENERAL.*—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) *APPROVAL.*—The design and plans for the Museum shall be subject to the approval of—

- (A) the Secretary;
- (B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) *DESIGN REQUIREMENT.*—The Museum shall be designed so that not more than 35 percent of the volume of the structure is above the floor elevation at the north rear entry of Court Building D, also known as "Old City Hall".

(c) *OPERATION.*—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) *FEDERAL SHARE.*—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) *FUNDING VERIFICATION.*—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) *FAILURE TO CONSTRUCT.*—If the Memorial Fund fails to begin construction on the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. CAMPBELL. Mr. President, I am pleased that the Senate is about to consider and pass S. 1438, the National Law Enforcement Museum Act of 1999. This legislation will authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours. Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers,

practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot.

I introduced this legislation on July 27, 1999, and after committee hearings and extensive testimony, the Senate Committee on Energy and Natural Resources reported the bill in July of this year. Although the bill was pending on the Senate calendar awaiting final action by the Senate, I was pleased to work with my colleagues, Senator THOMPSON, Chairman of the Government Affairs Committee, and Senator DURBIN, the Ranking Member of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, on a compromise amendment.

After over two months of negotiations, the National Law Enforcement Officers Memorial Fund and the District of Columbia Courts reached an agreement to clarify that the building of this museum will in no way conflict with court expansion and renovation plans. As a result of this agreement, Senators THOMPSON and DURBIN have offered an amendment with my support to reflect this agreement with the courts.

Under my legislation, no federal dollars are being proposed to build this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL-CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law enforcement officer, family member and police survivor in the United States.

As we remember the sacrifices made by our brave officers, I strongly urge my colleagues to support passage of

this legislation. I also call on our colleagues in the House to pass this important bill before the Congress adjourns for the year.

AMENDMENT NO. 4279

(Purpose: To provide a complete substitute)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Mr. THOMPSON, proposes an amendment numbered 4279.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) UNDERGROUND FACILITY.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) CONSULTATION.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4279) was agreed to.

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

The bill (S. 1438), as amended, was read the third time, and passed.

UNITED STATES HOLOCAUST
MEMORIAL MUSEUM

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 858, H.R. 4115.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4115) to authorize appropriations for a United States Holocaust Memorial Museum, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4115) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 5272

Mr. GRAMS. Mr. President, I understand that H.R. 5272 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. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

Mr. GRAMS. Mr. President, I ask for its second reading, and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3137

Mr. GRAMS. Mr. President, I understand that S. 3137 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 (S. 3137) to establish a commission to commemorate the 258th anniversary of the birth of James Madison.

Mr. GRAMS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

AUTHORITY TO FILE LEGISLATIVE OR EXECUTIVE MATTERS

Mr. GRAMS. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment, Senate committees have from 10 a.m. until 12 p.m. on Friday, September 29, in order to file legislative or executive matters.

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

ORDERS FOR MONDAY, OCTOBER 2, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Monday, October, 2. I further ask consent that on Monday, immediately following the prayer, the Journal of pro-

ceedings be approved to date, 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 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BYRD, or his designee, 60 minutes; Senator THOMAS, or his designee, 60 minutes.

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

PROGRAM

Mr. GRAMS. For the information of all Senators, the Senate will be in a period of morning business until 2 p.m. on Monday. Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. No votes will occur prior to 5:30 p.m. on Monday. However, at 5:30 p.m., the Senate will proceed to a vote on the conference report to accompany the energy and water appropriations bill.

RECESS UNTIL MONDAY, OCTOBER 2, 2000

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:18 p.m., recessed until Monday, October 2, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 28, 2000:

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY COMMERCE FOR INTERNATIONAL TRADE, VICE DAVID L. AARON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE CHARLES A. HUNNICUTT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUE BAILEY, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE RICARDO MARTINEZ, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE KATHLEEN A. MCGINTY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

W. MICHAEL MCCABE, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FREDERIC JAMES HANSEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE HILDA GAY LEGG, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

JOHN DAVID HOLUM, OF MARYLAND, TO BE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, DEPARTMENT OF STATE (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBIN CHANDLER DUKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CARL SPIELVOGEL, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES M. DALEY, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS AND TO SAINT LUCIA, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

SALLY KATZEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE G. EDWARD DESEVE, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INSTITUTE OF PEACE

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE THOMAS E. HARVEY, TERM EXPIRED.

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, (REAPPOINTMENT)

BARBARA W. SNEILING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, (REAPPOINTMENT)

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

JAMES CHARLES RILEY, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2006 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DONALD L. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002, VICE GARY N. SUDDITH.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ISABEL CARTER STEWART, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE DAVID FINN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

BILL LANN LEE, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEVAL L. PATRICK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003, (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG, RESIGNED.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

DOUGLAS N. BARLOW, 0000
GREGORY E. SEELY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To Be Major General

BRIG. GEN. BRUCE B. BINGHAM, 0000

EXTENSIONS OF REMARKS

CONGRATULATING MONTGOMERY JUNIOR COLLEGE ON ITS 50TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. MORELLA. Mr. Speaker, I would like to extend my sincere congratulations to Montgomery Junior College as you celebrate the 50th anniversary of the Takoma Park Campus. Since the summer of 1950, MC has continued to uphold its original purpose of providing a quality education to anyone with a desire to learn. MC has maintained this commitment to both its students and faculty for 50 years. For this, I applaud your institution.

The success of the Takoma Park campus is evident in the constantly expanding curricula. Some of the more notable programs include the one-year Bliss program designed for electricians, a medical technician curriculum, and the nursing program. Each of these allow the students of MC to be competitive and skilled in the workforce.

MC is a source of pride not only in Montgomery County but also in the surrounding community. Through projects such as the Spitz Company Planetarium and the currently developing community health clinic, MC provides unique experiences and services to all. The planetarium has introduced hundreds of school children and residents to the basics of astronomy, allowing imaginations to soar. The community health clinic, as part of a new Health Sciences Building, will give hands-on experience to students while providing a comfortable environment for residents in need of medical attention.

MC's commitment and vision are the backbone of your reputation. With more than 4,000 students of all ages and backgrounds and a dedicated faculty, there is no doubt that the next 50 years will be equally rewarding. Again, congratulations to everyone at Montgomery Junior College for your educational excellence. I wish you the best as you continue to expand and serve.

PROTECTION OF THE AMERICAN DREAM ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. HANSEN. Mr. Speaker, for far too long, the Federal Government has required FHA loan holders to pay millions in mortgage insurance even after the risk of loss to the government had passed. The reason I introduced the Protection of the American Dream act is that insuring people for a risk they do not have is just wrong."

Since the passage of the Home Owners Protection Act two years ago, which provided for the cancellation of private mortgage insurance once a conventional loan reached an 80% loan to value, many FHA borrowers began to ask why this law did not apply to their loans. After looking into the matter, I came to agree with these Americans, that like private lenders, there is no reason for FHA to charge mortgage insurance for the entire life of that loan. One of the reasons for this is that according to a Price Waterhouse Actuarial Review, less than one percent of consumers who reach an 80% loan to value default on their loan. Moreover, when a consumer with an 80% loan to value does default, in most cases no loss is incurred by the FHA or any other home loan lender.

The Protection of the American Dream Act is a pretty basic bill. I merely amends the Homeowners Protection Act to include loans made by HUD for single family homes. By doing this, FHA borrowers would not only be able to cancel their Mutual Mortgage Insurance once they reach an 80% loan to value, but HUD would also be required to disclose what mutual mortgage insurance was and whom it insures.

Mr. Speaker, insurance should only be required when the risk warrants its purchase. In the case of the FHA's Mutual Mortgage Insurance Program, FHA is forcing the people who can least afford it, to pay for insurance when there is almost no risk. The only thing we are risking is keeping people from grasping the American dream of home ownership.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. RUSH. Mr. Speaker, on September 27, I was unavoidably detained in a Commerce Committee hearing. However, had I been present I would have voted "yes" on rollcall No. 496 (H.R. 4365) the Children's Health Act of 2000.

TRIBUTE TO STEVEN P. AUSTIN AND EILEEN DOYLE FOR THEIR SERVICE TO THE CITIZENS OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and peo-

ple who really make a difference in the Delaware community. Today, I rise to recognize Steve Austin, president of the Delaware Volunteer Firemen's Association (DVFA) and Eileen Doyle, president of the Ladies Auxiliary of the DVFA.

Mr. Speaker, on behalf of my fellow Delawareans I would like to honor these two outstanding individuals, not only for their tireless efforts on behalf of the citizens of the First State, but for their tremendous contributions to the DVFA and the Ladies Auxiliary of the DVFA.

Volunteer fire departments are the cornerstone of our Nation's emergency response capability. Each year, fire kills over 6,000 people, injures about 28,000 more, and destroys more than \$7 billion in property. Volunteer firefighters are among the most dedicated public servants. They are willing to put the safety and property of their neighbors ahead of their own on a daily basis. All too often, these brave men and women do not receive the recognition they deserve. Without the services of institutions, such as the DVFA and the Ladies Auxiliary, the number of fatalities would be even greater and the threat of fire and destruction to our communities could be even more devastating. In addition to battling fires, Delaware volunteer firefighters are involved in fire protection and safety as well as providing first aid and emergency resources in the event of major disasters. This type of dedication is rare.

Steve Austin is a life member of the Aetna Hose and Ladder Company in Newark, DE. As a fire service advisor of the Congressional Fire Services Institute, Steve has worked tirelessly in these very halls on legislative issues that would improve training and emergency medical services for volunteer fire organizations throughout our country. Through his leadership, fire and emergency medical services have remained a vital and integral part of our community. For all of these national and local accomplishments, I was not at all surprised that the Congressional Fire Service Institute chose him as the Fire Service Person of the Year in 1996.

Eileen Doyle has also played a critical role in keeping our communities safe. Whether it is as a member of the Brandywine Fire Company working on innovative and creative fundraising ventures or providing much needed assistance and comfort to those individuals devastated by the effects of Hurricane Floyd, Eileen Doyle's dedication to the fire service and our community shines as a bright beacon every day. The Ladies Auxiliary has a long and rich history and their dedication to the community is to be commended. I salute Steve Austin and Eileen Doyle for their efforts to keep the Volunteer Fire Association and Ladies Auxiliary a strong and vital part of Delaware.

This week, the DVFA and the Ladies Auxiliary of the DVFA will gather at their 2000 Annual Conference to celebrate the anniversaries

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of safety and first aid to the people of Delaware. As a former Governor, I know first hand the important role that these dedicated and vital organizations play in recruiting and retaining young men and women in the public service arena. Mr. Speaker, I am proud to have this privilege to extend my warmest wishes for a successful conference. I salute and thank them for their unwavering commitment to excellence and the example they set for all of us. Their efforts are deeply appreciated.

A TRIBUTE TO REVEREND
VERTANES KALAYJIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. PALLONE. Mr. Speaker, I am honored today to recognize the achievements and spiritual leadership of the Rev. Fr. Archpriest Vertanes Kalayjian, pastor of St. Mary's Armenian Church in Washington, DC. On October 1, the Washington-Baltimore Armenian community will be honoring this most outstanding religious and community leader among Armenian-Americans in the United States. On this date, parishioners and many others will recognize the 40th anniversary of Rev. Kalayjian's ordination into the priesthood.

Those who gather from across the country and the world on October 1 will also recognize the 25th anniversary of the service to St. Mary's of Rev. Kalayjian and Yeretzgin Anahid Kalayjian, his wife of 31 years.

Mr. Speaker, as the cochairman of the Congressional Caucus on Armenian Issues, I am acutely aware of the many extraordinary contributions Father Kalayjian and Mrs. Kalayjian have made to the Armenian community in the United States. Over the years, his outstanding missionary and humanitarian efforts have also been of immeasurable help to the struggling families and youth of Armenia, as well as Armenian families spread throughout Eastern Europe and the world.

In his important assignment as the head of the pastorate in Washington, DC, he has played a crucial role representing the diocese in the Congress, the State and Justice Departments and the Brookings Institute. Every year, Father Kalayjian briefs the Appeal of Conscience Conferences, the State Department's Foreign Service Institute, on the status of the Armenian communities in Eastern Europe and in the former Soviet Union republics.

Father Kalayjian was born in Aleppo, Syria, and was ordained on February 7, 1960, at the St. James Seminary of Jerusalem Armenian Patriarchate. He came to the United States in December 1964 and was assigned to the St. George Parish in Waukegan, IL. In addition to his pastoral work, he did Christian Education; Biblical Studies and Public Administration at Lake Forest, Carthage College and South-eastern University.

In subsequent years, he served the parishes of Holy Cross, Union City, NJ; and St. Mary's Church in Elberon, NJ (now St. Stephanos and in my congressional district.)

In 1976, he assumed the pastorate here in Washington, where he serves the St. Mary's

community, including nearby Baltimore city and the neighboring towns.

During most of this career as a servant of God, Mrs. Kalayjian has been a partner, colleague and spiritual supporter to her husband's ministry. She has contributed invaluable to the growth and spiritual well-being of St. Mary's Parish. She has been surrogate mother, nurse, chaplain, Armenian Cultural Program director and advisor to successive camp directors and committees at the Armenian General Benevolent Union's Camp Nubar in the Catskills in New York. The AGBU promotes philanthropy, human rights land education throughout the world.

Her services to the Armenian people have included numerous other missionary and humanitarian initiatives in Armenia, including missionary outreach in the aftermath of the earthquake. Her early training and work as a pediatric nurse and nursing supervisor only added to the invaluable contributions she has made to families in need here and in Armenia.

Mr. Speaker, I am proud to call these tireless and devoted humanitarians my friends. I wish them both a most deserved and joyous celebration on October 1.

DRUG PROFITS DISTORTING HOW
DOCTORS PRESCRIBE?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. STARK. Mr. Speaker, in the September 19th CONGRESSIONAL RECORD, I provided some documentation of how profits from prescribing drugs may be causing some doctors to over-prescribe or change their prescribing patters, not on the basis of medical need, but simply for the sake of money.

The enormous profits available to many doctors on the "spread" between what Medicare and other payers reimburse for a drug (the average wholesale price), and what that drug is really available for 'on the street' may be one of the most serious ethical issues in American medicine today.

I submit into the CONGRESSIONAL RECORD a letter I've sent to the Agency for Healthcare Research and Quality on why this is a problem which must be investigated as soon as possible and a memo in reference to physician prescribing practices in Japan.

The Justice Department and the HHS Inspector General have, I believe, documents which show how drug companies have manipulated the AWP to move doctors to prescribe various drugs. These documents raise the most serious questions about the integrity of health care delivery.

The letters follow:

COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HEALTH,
Washington, DC, August 18, 2000.

Dr. JOHN EISENBERG,
Administrator, Agency for Healthcare Research
and Quality, Washington, DC.

DEAR JOHN: Nice Norman Rockwell exhibit at the National Gallery—and nice paintings of doctors the way we want them to be: grandfatherly figures we can totally trust our lives with.

But the data in various areas of health care show that physicians are just like the rest of us mortals: they are economic animals; they respond to financial incentives. We see this economic influence in the fact that for-profit hospitals do more Caesarian sections than not-for-profit hospitals, because the fees and profits are higher for a C-section. We see this in the extensive literature that physicians who own or invest in a downstream service (such as a lab or MRI) tend to order many more tests (and more expensive tests) than doctors who do not invest in such facilities. We see this in foreign countries where physician income is much lower than it is in the United States on average, but physicians are allowed to make money on each prescription that they write. As a result in Japan (and in the past Italy) the patients get many more pills than Americans do. Doctors in those countries make money by pushing medicines on their unsuspecting patients.

I fear the same thing may be happening here in the United States on certain drugs, and I would like to request AHRQ's help in determining whether Medicare's Average Wholesale Price system of paying doctors for certain medicines may have caused some distortions in prescribing practice.

As you know, after years of work, the Justice Department and the HHS OIG have finally persuaded Medicare and Medicaid to use a more realistic set of data for purposes of paying doctors 95% of the AWP. The use of the more accurate AWP data will save taxpayers and patients hundreds of millions of dollars a year. Of course, the physicians the savings are coming from are lobbying furiously to block the cuts, saying that they have used the profits from the difference between 95% of the AWP and the real purchase price to run their offices. HCFA is investigating whether the practice expense (PE) payment to doctors needs to be adjusted to pay more accurately for the cost of administering the drugs. If the PE payment is inadequate, we certainly should adjust it.

But we should not, I believe, pay more for the drug than the cost to the doctor of purchasing the drug. Otherwise, if these other domestic and foreign examples apply, we will see a misuse of the drug.

To determine whether there has been misuse, would it be possible for AHRQ to examine the use of chemotherapy drugs in settings where there is no financial incentive to either over use or not use (e.g., Kaiser, VA, DoD, etc.) versus chemotherapy drug use in private, for profit, physician-run oncology practices? Adjusting for severity of illness, are the outcomes (remission, deaths, etc.) similar in these settings? Is more or less chemotherapy medicine used? for patients who die, is chemotherapy administered longer in one setting versus another? is chemotherapy administered beyond a point where the patient might be considered terminal?

Thank you for your help in understanding whether there are different patterns of chemotherapy drug use, depending on whether one profits from the drugs' use, and if so, whether there is any better outcome and quality as a result of additional chemotherapy usage.

Sincerely,

PETE STARK,
Ranking Member.

In Japan, where physicians and hospitals are allowed to make money on each prescription they write, there are high levels of drug utilization and incentives for drug overprescribing. For example—

Health Affairs (Healthcare Reform in Japan), found that pharmaceutical dispensing is more profitable for doctors since physicians dispense drugs directly and profit by buying from wholesalers at a discount and selling at the fee-schedule price. Japan has the highest per capita drug consumption in the world.

According to Asahi News Service, the cost of prescription drugs represents 30% of all medical expenses in Japan. And according to Financial Times, this is the highest proportion in the EOCOD and far higher than the 11% in the US and 16% in the UK.

Like physicians, hospitals in Japan also can make a profit on the sale of medicines to their patients. The Asahi News Service found that "medications of dubious value are used carelessly because information about their effects is not made public . . . and that the more prescriptions hospitals issue, the greater their profits will be, because of the huge gap between the government-designated base prices and the market price."

The Nikkei Weekly reported that in April of 1997, the Japanese government proposed revision of the ". . . drug-payment system, which has been criticized for enabling doctors to line their pockets and causing over-prescription."

Based on these facts, it is highly likely that Medicare's Average Wholesale Price (AWP) system of paying doctors for certain medicines causes distortions in prescribing practices.

European countries, in contrast, have, in the last ten years, instituted practices to curb overutilization by eliminating some financial incentives. Italy, Germany, Sweden, Denmark and the Netherlands have introduced "reference pricing" as a financial disincentive for patients to accept and doctors to prescribe non-reference drugs. These countries are probably not the best examples of countries with overutilization. Japan is the best in this regard (we are still trying to find another clear cut case, like Japan).

It's interesting to note that, on the flip side, reimbursements for surgery are low in Japan and, as a consequence, one third as much surgery is done in Japan as the U.S.

COMMEMORATING THE THIRTIETH ANNIVERSARY OF AIR STATION CAPE COD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DELAHUNT. Mr. Speaker, I rise today to recognize the thirtieth anniversary of U.S. Coast Guard Air Station Cape Cod. For all of us who go to the sea, for pleasure or by profession, the Air Station has been an enormously reassuring presence all these years.

Since its commissioning in 1970, Air Station Cape Cod has performed more than 10,000 search-and-rescue missions, saved 3,500 lives and saved more than \$450 million in property—all this while safeguarding our natural resources and seizing shipments of illegal drugs bound for our shores. It's all in a long day's work—and often a long night's work as well—for the personnel of the U.S. Coast Guard.

While the breathtaking heroics of the men and women of the Air Station have recently been made famous by recent feature films, perhaps the most fitting tribute comes from the

grateful communities served by the men and women of the Air Station. I am pleased to enter in today's CONGRESSIONAL RECORD the following words of appreciation from a recent edition of the Cape Cod Times newspaper.

[From the Cape Cod Times, Aug. 30, 2000]

AIR STATION CAPE COD TURNS 30

(By Kevin Dennehy)

AIR STATION CAPE COD—Ed Greiner won't soon forget the week last summer he moved his family to Cape Cod to assume his duty as executive officer at the local Coast Guard installation.

That same weekend, John F. Kennedy Jr.'s airplane dove into the Atlantic Ocean. And within hours, the tragedy sparked one of the largest Coast Guard searches ever undertaken off Cape shores, and a media swarm that enveloped the Upper Cape air station for several days.

But then, it was not that much different than what the Coast Guard does on a regular basis, Greiner says.

"Sure, it was hectic," he said yesterday. "But it was a large version of what we're trained to do, and do everyday."

They've been doing what they do at Air Station Cape Cod since August 1970. Yesterday, the Coast Guard marked its 30th anniversary with a quiet ceremony at one of the station's hangars.

It's been a busy three decades. Since 1970, pilots and crews have responded to more than 9,500 calls—nearly one search-and-rescue mission per day during that time. As of yesterday, they'd saved 3,312 lives and prevented the loss of \$455 million worth of property.

"For recreational boaters and those who use the water to make a living, it adds a measure of safety," Greiner said. "If folks get into trouble, we're always standing ready to assist."

One of the busiest of America's 24 air stations, Air Station Cape Cod started operating when Air Station Salem and Air Detachment Quonset Point, R.I., were consolidated in 1970.

About 400 employees work at the station, including 250 active-duty members.

And with more than 2,000 people—including those from other military branches—living in the nearly 700 units of Coast Guard housing, it's the largest continuous presence on the base.

These days, the Coast Guard uses four Jayhawks and four HU-25 Falcon jets to conduct nearly 300 rescue missions each year.

The Coast Guard also assists in law enforcement and fishing zone enforcement; is involved in drug interdiction; and repairs navigational aids throughout the northern Atlantic.

"It's a great job," said Lt. Bill Bellatty, who flies a HH-60 Jayhawk helicopter at the station. "It's always great when you save lives. It's when it's nasty out that it's terrible. That's when we earn our money."

FIFTIETH BIRTHDAY OF LINDA FAYE SOFFER

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DICKEY. Mr. Speaker, I want to recognize one of my constituents, Linda Faye Soffer (nee Cook) of White Hall, Arkansas, who will

be celebrating her 50th birthday on October 15, 2000. Linda was born on October 15, 1950 in Memphis, Tennessee to William Allen Cook and Dorothy Annice Cook (nee McGill) of Earle, Arkansas. I want to join Stu Soffer, her husband, in wishing her a Happy Birthday with best wishes for the upcoming year.

HONORING CHRIST LUTHERAN CHURCH FOR ITS 200TH YEAR OF SERVICE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor Christ Lutheran Church, Filey's Parish, for its 200th year of service to the Gospel in their community.

Christ Lutheran Church is a small country church in a growing area of Dillsburg, Pennsylvania. It was founded in 1800 by the New German community, and in 1811 a building was erected for worship and it also served as a school. In 1938 Jacob Filey donated the land on which the church is presently located. Today, the congregation is made up of 90 people that attend weekly services. The church houses a daycare, with a nursery school located nearby, named Filey's Nursery School.

I ask my colleagues to join me in recognizing the congregation of the Christ Lutheran Church for their 200th year of outstanding service to the community. I wish them continued strength and unity as their parish continues to grow and thrive.

IN HONOR OF MICHAEL ZONE, MARY ZONE, AND THE ZONE FAMILY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to acknowledge the Neighborhood Social Club and Archives' posthumous recognition of former City of Cleveland Councilman Michael Zone and his surviving wife, former City Councilwoman Mary Zone for their contributions to the Italian American neighborhood that is part of the Mount Carmel West neighborhood. The organization will present the Giuseppe T. Focca Award to the Zone family on October 1.

Michael Zone, whose family immigrated from the region of Campania near the City of Caserta, was among the early Italian families to settle in this westside neighborhood. Michael was instrumental in the early development of the current Our Lady of Mount Carmel Church and School and the development of Villa Mercedes, a senior citizen assisted high-rise.

As a councilman, Michael Zone worked hard for the Italian American residents he represented. He helped many gain meaningful employment and assisted them with immigration and government services. He put his constituents first, and demonstrated that public service is a higher calling.

The Neighborhood Social Club and Archives was founded by Rose A. Zitiello in 1993 to preserve the Italian American history of the neighborhood. Association President Sherri Scarpina DeLeva has presided over the last three annual award presentations to Joseph T. Fiocca, Yolanda Craciun, and Father Vincent Caruso, who served as the parish's first pastor in 1926.

Mr. Speaker, I ask my fellow colleagues in the U.S. House of Representatives to join me in honoring Michael Zone, Mary Zone, and the Zone family who have contributed so much to Cleveland's Mount Carmel West neighborhood and the city as a whole. Please also join me in acknowledging the contribution that the Neighborhood Social Club and Archives is making toward preserving the great heritage that the Zones and the Italian American community of Cleveland has made and continues to make.

DRUG COMPANY ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM: PUBLIC DESERVES RETURN OF BILLIONS OF DOLLARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. STARK. Mr. Speaker, I have today sent the following letter to the Pharmaceutical Research Manufacturers of America (PhRMA), the chief trade association representing U.S. pharmaceutical companies.

The letter details what I believe to be the bilking of the Medicare system by a number of large, powerful drug companies. The evidence I have been provided shows that certain drug companies are making enormous profits available to many doctors on the "spread" between what Medicare and other payers reimburse for a drug (the average wholesale price), and what that drug is really available for.

These companies have increased their sales by abusing the public trust and exploiting America's seniors and disabled. It is my firm belief that these practices must stop and that these companies must return the money to the public that is owed because of their abusive practices.

The letter follows:

COMMITTEE ON WAYS AND MEANS,

SUBCOMMITTEE ON HEALTH,

Washington, DC, September 28, 2000.

ALAN F. HOLMER,

President, Pharmaceutical Research and Manufacturers of America, Washington, DC.

DEAR MR. HOLMER. I am writing to share with you evidence and concerns I have, that certain PhRMA members, are employing false and fraudulent marketing schemes and other deceptive business practices in order to manipulate and inflate the prices of their drugs. Drug company deception costs federal and state governments, private insurers and others billions of dollars per year in excessive drug costs. This corruptive scheme is perverting the financial integrity of the Medicare program and harming beneficiaries who are required to pay 20% of Medicare's current limited drug benefit. Furthermore, these deceptive, unlawful practices have a devastating financial impact upon the states' Medicaid Program.

As you may be aware, some state Medicaid administrators have been placed in the unenviable position of having to ration needed health care services to the poor due to a lack of funds. For example, major newspapers such as the Washington Post reported that the Administration abandoned its effort to extend Medicaid coverage for AIDS therapies due to the high cost of drugs needed to treat HIV patients (December 5, 1997).

The national media continues to report on the staggering cost of prescription drugs in the United States. By way of example, the shared Federal/State cost of providing a California Medicaid prescription drug benefit alone is now approximately \$2.4 billion dollars a year and that cost has risen by approximately 100% in the past four years. Through a Congressional subpoena, I have recently obtained internal drug company documents, together with documents from an industry insider, that explicitly expose the deliberate fraud that some of your PhRMA members are perpetrating on our nation's health care delivery system.

The evidence I have obtained indicates that at least some of your members have knowingly and deliberately falsely inflated their representations of the average wholesale price ("AWP"), wholesaler acquisition cost ("WAC") and direct price ("DP") which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The evidence clearly establishes and exposes the drug manufacturers themselves that were the direct and sometimes indirect sources of the fraudulent misrepresentation of prices. Moreover, this unscrupulous "cartel" of companies has gone to extreme lengths to "mask" their drugs' true prices and their fraudulent conduct from federal and state authorities. I have learned that the difference between the falsely inflated representations of AWP and WAC verses the true prices providers are paying is regularly referred to in your industry as "the spread". The fraudulently manipulated discrepancies are staggering—for example in 1997 Pharmacia & Upjohn reported an AWP for its chemotherapy drug Vincasar of \$741.50, when in truth, its list price was \$593.20 (Exhibit #1 PHARMACIA 000867).

Exhibit #2 is a chart provided by an industry insider that lists a number of Medicare covered drugs where the Medicare beneficiaries' 20% co-payment exceeds the entire costs of the drug. These rogue drug companies then market their drugs to physicians and pharmacies based on this windfall profit which in reality is nothing more than a government funded kick-back to the provider.

The evidence is overwhelming that this "spread" did not occur accidentally but is the product of conscious and fully informed business decisions by certain PhRMA members. The following examples excerpted from the subpoenaed documents clearly indicate the companies' fraudulent efforts to manipulate Medicare and Medicaid reimbursements as contained in Composite Exhibit #3.

Pharmacia: "Some of the drugs on the multi-source list offer you savings of over 75% below list price of the drug. For a drug like Adriamycin, the reduced pricing offers AOR a reimbursement of over \$8,000,000 profit when reimbursed at AWP. The spread from acquisition cost to reimbursement on the multisource products offered on the contract give AOR a wide margin for profit." (000025)

Bayer: "Chris, if Baxter has increased their AWP then we must do the same. Many of the Homecare companies are paid based on a discount from AWP. If we are lowed [sic] than Baxter then the return will be lower to the

HHC. It is a very simple process to increase our AWP, and can be done overnight". (BAY003101)

Alpha: "Pharmacy billing and management services can bill for product based on the published AWP and thereby net incremental margin with Venoglobulin S usage. Margin for the pharmacy is the difference between AWP and acquisition cost. (\$76.15/g-\$30.00/g=\$46.15/g margin)." (AA000529)

Fujisawa: "Many thanks to Rick and Bruce for adjusting the AWP on the five gram Vanco. This should lead to more business . . . I would have liked to see us match Abbott's AWP for our complete Vanco, and Cefazolin line. I will settle for the five gram at \$1 below Abbott but that means that we will still have to compete at the other end of the equation. For example, if Abbott's AWP is \$163 and their contract is \$30 and if our AWP is 162 we will have to be at least \$29 to have the same spread. Follow?" (F13206 & F13207)

Baxter: "Increasing AWP's was a large part of our negotiations with the large homecare companies" (0003153)

And the implications of the fraudulent manipulation of prices were clearly recognized by your member manufacturers who participated in this false pricing scheme. A series of memos from a pricing committee concerned with Glaxo's antiemetic, Zofran, show the committee's development of an enhanced spread for Zofran through increases in AWP and decreases in net purchase price (Exhibit #4).

Glaxo: "If Glaxo chooses to increase the NWP and AWP for Zofran in order to increase the amount of Medicaid reimbursement for clinical oncology practices, we must prepare for the potential of a negative reaction from a number of quarters . . . If we choose to explain the price increase by explaining the pricing strategy, which we have not done before, then we risk further charges that we are cost shifting to government in an attempt to retain market share. Congress has paid a good deal of attention to pharmaceutical industry pricing practices and is likely to continue doing so in the next session. How do we explain to Congress an 8% increase in the NWP between January and November of 1994, if this policy is implemented this year? How do we explain a single 9% increase in the AWP? What arguments can we make to explain to congressional watchdogs that we are cost-shifting at the expense of government? How will this new pricing structure compare with costs in other countries? Is the [pharmaceutical] industry helping to moderate healthcare costs when it implements policies that increase the cost of pharmaceuticals to government?" (GWIG/7:00014 & 00015)

Internal documents from a contractor of SmithKline, (Glaxo's competitor) likewise reveal its recognition of the inflationary effect on government reimbursement of these pricing practices and the potential for an adverse counter-offensive (Exhibit #5):

". . . highlighting the difference between the actual acquisition cost and the published AWP may not only increase attention to Glaxo's pricing practices, but may provide the impetus for HCFA to implement a system that could impact not only reimbursement of anti-emetics, but all pharmaceutical and biological products. The ramifications could extend well past Medicare to include Medicaid programs . . ." (SB01915)

Perhaps the most striking example of the manufacturers' recognition of the spread and the companies' fraudulent abuse it represents is found in a revealing exchange of

correspondence between corporate counsel from Glaxo and SmithKline Beecham in which each accuse the other's company of Medicaid fraud and abuse (Exhibit #6).

Glaxo: ". . . In addition, a significant number of these pieces (see Exhibits F-J) contain direct statements or make references as to how institutions can increase their "profits" from Medicare through the use of Kytril. Some even go so far as to recommend that the medical professional use one vial of Kytril for two patients (see Exhibit F) but charge Medicaid for three vials. This raises significant fraud and abuse issues which I am sure you will want to investigate." (SB04075)

And SmithKline's response was (Exhibit #7):

SmithKline: "In an apparent effort to increase reimbursement to physicians and clinics, effective 1/10/95, Glaxo increased AWP for Zofran by 8.5%, while simultaneously fully discounting this increase to physicians. The latter was accomplished by a 14% rebate . . . The net effect of these adjustments is to increase the amount of reimbursement available to physicians from Medicare and other third party payors whose reimbursement is based on AWP. Since the net price paid to Glaxo for the non-hospital sales of the Zofran multi-dose vial is actually lower, it does not appear that the increase in AWP was designed to increase revenue per unit to Glaxo. Absent any other tenable explanation, this adjustment appears to reflect an intent to induce physicians to purchase Zofran based on the opportunity to receive increased reimbursement from Medicare and other third party payors." (SB044277) (In fact, we have had numerous verbal reports from the field concerning Glaxo representatives who are now selling Zofran based on the opportunity for physicians to receive a higher reimbursement from Medicare and other third-party payors while the cost to the physician of Zofran has not changed.)

Some drug companies have also utilized a large array of other impermissible inducements to stimulate sales of their drugs. These inducements, including bogus "educational grants", volume discounts, rebates or free goods, were designed to result in a lower net cost to the purchaser while concealing the actual cost price beneath a high invoice price. A product invoiced at \$100 for ten units of a drug item might really only cost the purchaser half that amount. Given, for instance, a subsequent shipment of an additional ten units at no charge, or a "grant", "rebate" or "credit memo" in the amount of \$50, the transaction would truly cost a net of only \$5.00 per unit. Through all these "off-invoice" means, drug purchasers were provided the substantial discounts that induced their patronage while maintaining the fiction of a higher invoice price—the price that corresponded to reported AWP's and inflated reimbursement from the government composite Exhibit #8.

Bayer: "I have been told that our present Kogennate price, \$.66, is the highest price that Quantum is paying for recombinant factor VIII. In order to sell the additional 12mm/u we will need a lower price. I suggest

a price of \$.60 to \$.62 to secure this volume. From Quantum's stand point, a price off invoice, is the most desirable. We could calculate our offer in the form of a marketing grant, a special educational grant, payment for specific data gathering regarding Hemophilia treatment, or anything else that will produce the same dollar benefit to Quantum Health Resources." (BAY005241)

Baxter: "The attached notice from Quantum Headquarters was sent on April 10th to all their centers regarding the reduction of Recombinate pricing. Please note that they want to continue to be invoiced at the \$.81 price. They have requested that we send them free product every quarter calculated by looking at the number of units purchased in that quarter and the \$.13 reduction in price . . . free product given to achieve overall price reduction." (0003632)

Gensia: "Hospital—Concentrate field reps on the top 40 AIDS hospitals using a \$54.00 price in conjunction with a 10% free goods program to mask the final price. Provides the account with an effective price of \$48.60 per vial." (G00888)

Gensia: "FSS—Establish a price of \$52.00/vial for Q1 and Q2."

The above document is particularly disturbing as it indicates that at least one purpose of "masking" the final price with free goods is so that it falsely appears that the Federal Supply Schedule ("FSS") is less than that of the Hospital Price.

This insidious behavior by some PhRMA members has a profound and dangerous additional effect by influencing some medical practitioners' judgements. This is acknowledged by Bristol-Myers Squibb ("BMS") who developed a second generation etoposide, namely, Etopophos (Composite Exhibit #9).

BMS: "The Etopophos product profile is significantly superior to that of etoposide for injection . . ." (BMS: 3: 000013)

"Currently, physician practices can take advantage of the growing disparity between VePesid's list price (and, subsequently, the Average Wholesale Price [AWP]) and the actual acquisition cost when obtaining reimbursement for etoposide purchase. If the acquisition price of Etopophos is close to the list price, the physicians' financial incentive for selecting the brand is largely diminished." (BMS: 3: 000014)

This influence is further demonstrated by SmithKline Beecham and TAP:

SmithKline: "In the clinic setting however, since Medicare reimbursement is based on AWP, product selection is largely based upon the spread between acquisition cost and AWP. . . . Therefore, the spread between the AWP and clinic cost represents a profit to the clinic of \$50.27 for the medication alone. . . . From this analysis, there seems to be no other reason, other than profitability, to explain uptake differentials between the hospital and clinic settings, therefore explaining why physicians are willing to use more expensive drug regimens." (SB00878)

TAP: "As we have also discussed, Northwest Iowa Urology is very upset about the allowable not going up. I personally met with the doctors to discuss the issue 4/17. The physicians have started using Zoladex but would

stop if the allowable issue was taken care of. NWI Urology has 180 patients on Lupron". (TAP-BL10036469)

The documents further expose the fact that certain of your members deliberately concealed and misrepresented the source of AWP's:

In a 1996 Barron's article entitled "Hooked On Drugs", the following quote from Immunex appeared (Composite Exhibit #11):

Immunex: "But Immunex, with a thriving generic cancer-drug business, says its average wholesale prices aren't its own" "The drug manufacturers have no control over the AWP's published . . ." says spokeswoman, Valerie Dowell. (IMNX003079)

However, Immunex's own internal documents indisputably establish the knowledge of the origin of their AWP's and their active concealment:

Letter from Red Book to Immunex:
"Kathleen Stamm, Immunex Corporation . . .

"Dear Kathleen: This letter is a confirmation letter that we have received and entered your latest AWP price changes in our system. The price changes that were effective January 3, 1996 were posted in our system on January 5, 1996. I have enclosed an updated copy of your Red Book listing for your files. If there is anything else I could help you with do not hesitate to call.

"Sincerely, Lisa Brandt, Red Book Data Analyst." (IMNX 002262)

These examples of deception appear to be "only the tip of the iceberg" as demonstrated by the evidence contained in Composite Exhibit #12. Exhibit #12 contains the following:

1. Copy of advertisement sent to the insider from Oncology Therapeutics Network ("OTN") representing the true wholesale prices to the industry insider for Anzemet.

2. A copy of a fax sent to a Florida Medicaid pharmacy official by Hoechst containing Hoechst representations of its prices.

The following chart represents a comparison of Hoechst's fraudulent price representations for its injectable form of the drug versus the truthful prices paid by the industry insider. It is also compares Hoescht's price representations for the tablet form of Anzemet and the insider's true prices. It is extremely interesting that Hoescht did not create a spread for its tablet form of Anzemet but only the injectable form. This is because Medicare reimburses Doctors for the injectable form of this drug and by giving them a profit, can influence prescribing. The tablet form is dispensed by pharmacists, who accept the Doctor's order. And this underscores the frustration that federal and state regulators have experienced in their attempts to estimate the truthful prices being paid by providers in the marketplace for prescription drugs and underscores the fact that, if we cannot rely upon the drug companies to make honest and truthful representations of their prices, Congress will be left with no alternative other than to legislate price controls.

	NDC NO.	Unit size/type	Quantity	Net price as represented to Florida Medicaid	True wholesale price	Variance
Price Representations for:						
Anzemet injection	0088-1206-32	100 mg/5ml injectable	1	\$124.90	\$70.00	Represented price 78% higher than true wholesale price.
Anzemet tablets	0088-1203-05	100 mg tablets	5	275.00	289.75	Represented price 5% less than true wholesale price.

Hoescht thus falsely inflated the reported price of its Anzemet to create an improper financial incentive and thus capture market share. The following excerpt from an internal Glaxo document reveals that Hoescht directly benefitted from this diversion of tax dollars:

(Exhibit #13) Glaxo: "There is a decline in Zofran usage at Louisiana Oncology in Baton Rouge, Louisiana. Kevin Turner (H1JCO2) has seen a drastic decline in Zofran usage at this clinic over the last few months. The reason for this decline is strictly a reimbursement issue. This clinic has started using Anzemet because it is more profitable. Kevin has learned that this clinic is buying Anzemet for \$58.00 for a 100mg vial, which gives them a \$84.29 profit from Medicare. They are buying a 40mg vial of Zofran for \$145.28. If they use 32 mg of Zofran, which is \$3.63 per mg, this will net this clinic \$69.60 from Medicare reimbursement. Clearly Anzemet has a reimbursement advantage over Zofran. . . ." (GWZ 085003)

The above evidence leads to some shocking conclusions.

First—Certain drug manufacturers have abused their position of privilege in the United States by reporting falsely inflated drug prices in order to create a de facto improper kick-back for their customers.

Second—Certain drug manufacturers have routinely acted with impunity in arranging improper financial inducements for their physician and other healthcare provider customers.

Third—Certain drug manufacturers engage in fraudulent price manipulation for the express purpose of causing federally funded healthcare programs to expend scarce tax dollars in order to arrange de facto kick-backs for the drug manufacturers' customers at a cost of billions of dollars.

Fourth—Certain drug manufacturers arrange kick-backs to improperly influence physicians' medical decisions and judgments notwithstanding the severely destructive affect upon the physician/patient relationship and the exercise of independent medical judgement.

Fifth—Certain drug manufacturers engage in illegal price manipulation in order to increase the utilization of their drugs beyond that which is necessary and appropriate based on the exercise of independent medical judgment not affected by improper financial incentives.

As the principal association representing the pharmaceutical manufacturing industry, I believe you owe it to the citizens of the United States to advise Congress as to whether the above evidence reflects the standards of the pharmaceutical industry in this country. If it does, then explicit price regulation will clearly be necessary to counter your industry's inability to report prices will integrity and its propensity to engage in price manipulation. If, on the other hand, the above evidence does not reflect the standards in the pharmaceutical industry, then your association owes it to the American people to support and assist with the efforts of the federal and state enforcement authorities, including the U.S. Department of Justice, to correct the actions of the drug manufacturers engaging in this conduct and to require them to compensate Medicare, Medicaid and other federally funded programs for the damages they have caused.

Sincerely,

PETE STARK,
Ranking Member,
Subcommittee on Health.

EXTENSIONS OF REMARKS

RECOGNIZING IRONWORKERS LOCAL #395

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On September 30, 2000, the Ironworkers Local #395, of Hammond, Indiana, will honor their newly retired members as well as their members with fifty, forty, thirty-five and twenty-five years of continued service. These individuals, in addition to the other Local #395 members who have served Northwest Indiana so diligently throughout the years, are a testament to the American worker: loyal, dedicated, and hardworking.

The men and women of Local #395 are a fine representation of America's working families. I am proud to represent such dedicated men and women in Congress. Those members who recently retired from Ironworkers #395 include: Anthony Bobrowski, Steve Bodak, Bruce Brown, Jack Bullard, Howard Cassidy, Jimmy Chandler, Nicholas Danko, Stanley Downs, LeRoy Garmany, Frank Hall, Richard Haynes, James Hendon, Harvey Hollifield, Peter Leon, Jr., Robert Morton, Harold Mowry, William Rathjen, Joe Rumble, Jacob Stoyakovich, Fred Strayer, George Ward, Dallas Woodall, and Austin Yale. The members who will be honored for fifty years of service include: Glen Bacon, Norman Barnhouse, Robert Bird, Alfred Bruce, Charles Coleman, Paul Condry, Joe Demo, Harold Eason, Floyd Evans, Herbert Goodrich, Wilbur Kissinger, Willard Lail, George Rosich, Russell Thomas, and Van Walker. Those members who will be recognized for their forty years of service include: Gerald Black, John Bowman, Howard Cassidy, Jimmy Chandler, Nicholas Danko, Jr., Donald Eagen, Arthur Erickson, Jr., Wayne Fiscus, Lowell T. Hannah, James P. Harrison, Richard Haynes, Donald Hendrix, Robert Jackson, Edgar Johnson, Karl Langbeen, Jerry Lee, William Libich, Roger Long, Gerald McBride, Robert C. McDonald, William McNorton, Richard Ogle, John Peyton, Joseph Quaglia, Ace Robertson, Richard Samplawski, Larry J. Sausman, Charles Schwartz, Louis D. Sewell, John Spicer, Larry M. Strayer, Joseph Sullivan, Robert D. Swanson, Ned Toneff, Gerald Trimble, Donald Vick, Lawrence D. Watson, Frank Wheeler, and Gerald Wilson. The members who will be honored for thirty-five years of service include: Thomas Anderson, Tony Bobrowski, Michael Cary, Ed Corrie, Joseph Dado, James E. Davis, James Eagen, Terry Evans, Arthur Gass, Jr., Arthur Gaynor, Franklin Gerwing, Donald E. Goodrich, Kenneth Hamilton, John Haugh, Dennis Hummel, Dennis Hutchens, Richard Jemenko, Barney Kerr, Michael Klaker, Kenneth Kollasch, Max Korte, Charles Langston, Robert Langston, Eugene Lemons, William Lundy, William Okeley, Jr., James Penix, Ronald Penix, Wilbert Risch, Terry D. Sausman, Tim Skertich, Daniel Stevens, Gerald Vasko, John Ward, William Weigus, Gerald Wheeler, David Wilmeth, Dallas Woodall. The members who will be honored for their

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twenty-five years of dedicated service include: Henry Abegg, Donald Barringer, Paul Beck, Robert Brunner, Jr., Lenard Campbell, Everett Cleveland, Jr., James A. Curry, Clint Denault, John Grube, James Guzikowski, John Hillier, Timothy Jones, Sr., Thomas Kintz, Gary Komacko, Jack Kramarzewski, Dennis Quinn, William Robertson, John Schuljak, Stanley Siwinski, Douglas Splitgerber, John Williams. I would also like to congratulate those individuals that graduated from the apprenticeship program. These individuals include: James Anderson, John Anderson, Eric Blevins, Robert Brazeal, Jeremy Camplan, Steven Elliott, Thomas Franciski, Jr., Geno George, Anthony Gutierrez, Michael Hamilton, Anthony Hammerstein, Benjamin Lauper, David Maday, George Martinez, Brian McClain, David Ross, John Sechrest, Brian Swisher, Robert Thomas, Timothy Tinsley, Corey Weiland, and James Wilkie.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these admirable and outstanding members of the Ironworkers Local #395 for their efforts in fulfilling the American ideal of success through hard work and determination. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made Northwest Indiana a better place to live, work, and raise a family.

HONORING A DEDICATED HUSBAND, FATHER, GRANDFATHER, VETERAN AND PHYSICIAN—JOHN CHARLES LUNGREN, M.D. (APRIL 27, 1916—FEBRUARY 28, 2000)

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. ROGAN. Mr. Speaker, today, it is my distinct honor to pay tribute to an American who gave of himself during his 83 years of life—John Charles Lungren, M.D.

Dr. Lungren was born in Sioux City, Iowa on April 27, 1916. He attended the University of Notre Dame, graduating with a Bachelor's Degree in Science in 1938. Dr. Lungren subsequently received his Medical Degree in 1942 from the University of Pennsylvania.

During World War II, Dr. Lungren served with the United States as a Battalion Surgeon and Captain, 30th Infantry Division receiving four Battle Stars and a Purple Heart. This included participating in the pivotal battles of St. Lo and Mortain and in the Normandy Invasion in June of 1944.

After World War II, Dr. Lungren returned to his wife, Lorain Kathleen Lungren and, at that time, their first child. He settled in Long Beach, California specializing in internal medicine and cardiology which included various positions in the medical profession, including chief of staff for Long Beach Memorial Medical Center, member of the California State Board of Medical Quality Assurance and an emeritus associate clinical professor of medicine, UCLA School of Medicine, 1960–1977.

Dr. Lungren's dedication with and contributions to the University of Notre Dame were many. From 1966–1973, Dr. Lungren served as a member of the National Alumni Association's Board of Directors and President of the Alumni Association. In 1971, he was honored as "Man of the Year."

In 1969, President Nixon appointed Dr. Lungren as the medical consultant to the President of the United States; a member of the National Advisory Committee, Selective Service System and the National Health Resources Advisory Committee.

After President Nixon's resignation over Watergate in August of 1974, Dr. Lungren is credited with saving Nixon's life. Nixon had developed phlebitis, a swelling of the leg that threatened the former President's life with blood clots. After surgery to prevent a blood clot from traveling to his lung and brain, Nixon suffered post-traumatic shock and nearly died. During the last few years of his life, Dr. Lungren completed a manuscript on his more than 40-year relationship with President Nixon, titled *Anguish and Redemption: The Final Peace of Richard Nixon*.

Dr. Lungren is survived by his wife, Lorain Kathleen Lungren, their seven children, John, Jr., Daniel, Christine, Loretta, Brian, Patricia and Elizabeth and 16 grandchildren.

Mr. Speaker, as his eldest son, John, Jr. offered during his eulogy for his father, Dad is blessed for moral honor, spiritual dignity and purity of heart which leads us on the royal road that El Camino Real of a life committed in Christ, I ask my colleagues here today to join me in honoring an American who gave of himself to his country, family, medicine and community at large. Dr. Lungren spoke little of his heroic acts, albeit during World War II, raising his children or consoling a patient, hence, Dr. Lungren was a humble man. It seems that unknown to Dr. Lungren, as one his physicians who cared for him expressed to John, Jr., Your dad is in a special class, his reputation precedes him.

Lastly, my fellow colleagues, as we gather together today, allow me to paraphrase Dr. Lungren's personal physician, colleague and dear friend, Dr. Winnie Waider, who whispered, as Dr. Lungren drew his last breath, How often do you see a complete life completed, a consummate life consummated? How poignant and thought provoking as we pay our deepest respects to an honorable man, Dr. John Charles Lungren.

HONORING THE SURVIVORS OF
THE BATTLE OF MALMADY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GEKAS. Mr. Speaker, today I rise to honor a group of men that survived a massacre over 50 years ago. It was a cold December day when the gentlemen we honor today were caught up in the confusion that would eventually be called the Battle of the Bulge. They were members of Battery B, 285th Field Artillery Observation Battalion, a unit with many Central Pennsylvanians in its ranks.

Attacked by an SS Panzer Division, nearly half the battery was compelled to surrender. Although dazed and depressed about the prospect of spending Christmas as prisoners of war, few expected the nightmare about to be unleashed by their Nazi captors.

Completely unprovoked, the guards fired systematically into the group of defenseless prisoners, killing or wounding most of them. Many of those still living, suffering from exposure and wounds, were murdered by prowling SS guards.

A handful of soldiers escaped by either playing dead or hiding in buildings close by. They lived to tell the tale of one of the most brutal crimes inflicted on U.S. troops during the war in Europe. Some were given aid by friendly Belgians, others were rescued by Colonel Pegrin, commander of the 291st Engineer Battalion. Some were lucky enough to limp back to American lines.

The story of these men is a story of valor and sacrifice. Each of them gave selflessly of themselves to liberate a continent from Nazi tyranny. When their nation called, they went, regardless of danger and personal loss. They saw their friends die at the hands of SS thugs and wondered helplessly whether they were next. By escaping that bloody field, these men gave their comrades and their families at home a rallying cry which helped carry America to final victory over Hitler's Nazi empire.

I know that the entire United States House of Representatives joins me in saluting the survivors and the fallen for their courage and perseverance that overcame the greatest menace to freedom the world has ever known. Their sacrifice remains an inspiration to our entire nation.

ON PRESIDENT CLINTON'S CHINA
LEGACY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. WOLF. Mr. Speaker, in reference to President Clinton's foreign policy towards China, last Wednesday's front page of the Washington Post Business section had the headline: "Score One for the Legacy" because of passage in the Senate of Permanent Normal Trade Relations (PNTR) with China.

While it lies in the future to determine the success or failure of PNTR upon improving China's horrible human rights record or in bringing about effective change in China's communist regime, we do know certain facts that have to be calculated into the picture that will be President Clinton's legacy on China.

We know that on this Administration's watch, more people are in prison because of their faith than at any time in recent memory.

There are thousands of Muslim Uighurs in prison because of their faith.

The Chinese government is pillaging Tibet, while the Clinton Administration remains silent and obsequious. Thousands of Tibetan Buddhist monks, nuns, and believers are in Chinese prisons because of their faith. The Chinese government has repressed, oppressed, and persecuted the Tibetans with impunity.

There is no doubt, things have gotten worse in Tibet during the Clinton years. With certainty, President Clinton's actions and lack of action have to be figured into a formulation of his legacy on China.

The 1999 State Department Human Rights Report on China states numerous aspects of how the situation in China has deteriorated during President Clinton's tenure and ought to be included in determining his legacy on China:

Government interference in daily personal and family life continues to decline for the average person;

The Government increased monitoring of the Internet during the year, and placed restrictions on information available on the Internet;

The Government continued to implement comprehensive and often intrusive family planning policies;

The [Communist] Party and Government continue to control many—and, on occasion, all—print and broadcast media tightly and use them to propagate the current ideological line; and

The Government intensified efforts to suppress dissent, particularly organized dissent. By years end, almost all of the key leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publicly.

We know that the State Department's 2000 Report on International Religious Freedom says that the Chinese ". . . Government's respect for religious freedom deteriorated markedly . . ."

We know from this report that ". . . unregistered groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, harassment, and repression." We know from this report that "The Government's efforts to maintain a strong degree of control over religion, and its crackdown on groups that it perceived to pose a threat, continued."

We know that the Chinese regime continues to persecute, arrest, and imprison 80 year-old Roman Catholic bishops and priests. According to an article in the September 18, 2000 New York Times, while the Senate was preparing to vote on passage of PNTR, the Chinese government was busy sending back to prison 81 year-old Roman Catholic Bishop Zeng Jingmu. Bishop Zeng had already spent close to 30 years in Chinese prisons and prison labor camps, just because of his faith.

There are some 13 Roman Catholic Bishops suffering in Chinese prisons and prison through labor camps because of their faith. Their languishing in prison is part of President Clinton's China legacy. That President Clinton was silent, that he bent over backwards to placate a regime that persecutes old and frail people of faith—this has to be factored into compiling President Clinton's China legacy.

That there are hundreds of Protestant House Church leaders in prison or prison through labor camps because of their faith has to be included in assessing President Clinton's legacy.

President Clinton used tough words about China to help get himself elected in 1992, criticizing President Bush's policy of engagement

with China. It is too bad that President Clinton did not live up to his campaign rhetoric and campaign promises about China. Now with the passing of PNTR, with all of this talk about Clinton's China legacy being shaped by the passage of PNTR, it is imperative to focus on the truth and history.

History will show, that Clinton's China legacy is that the U.S. government kowtowed to a Chinese regime that worsened in its persecution and oppression of its own people. Clinton's China legacy will be that more people of faith and lovers of freedom in China languish in forced labor camps and bear the scars of torture and imprisonment because of their beliefs.

TRIBUTE TO MR. DONALD
HAMILTON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding resident of Indiana's First Congressional District, Mr. Donald Hamilton. On September 29, 2000, Mr. Hamilton, along with his friends and family, will be honored for his 32 years of dedicated service to the Laborer's International Union Local #41, at a dinner to be held at the International Union of Operating Engineers Local #150, in Merrillville, Indiana. Mr. Hamilton's distinguished career in the labor movement has contributed to the safety and security of workers in his community and improved the quality of life for laborers throughout Northwest Indiana.

Mr. Hamilton has devoted his entire working career toward the expansion of labor ideals and fair standards for all working people. For more than 30 years, Mr. Hamilton has been a member of Local #41, and has held several positions throughout his tenure. His peers were sorry to see him retire from perhaps his most important role at Local #41, that of Business Agent, on August 1, 2000. Don served admirably as Business Agent for Local #41 since his election 18 years ago. While this was his longest held position, and the one for which his co-workers at Local #41 will always remember him, he never limited his dedication to that one position. Mr. Hamilton served as vice-president of the Indiana State District Council of Laborers and HOD Carriers for eight years, sat on the executive board for six years, and served as auditor for three years. For five years, Don served as president of the Northwest Indiana Building and Construction Trades Council, two years as its vice president and three years as its secretary-treasurer.

Don's contributions are not limited to labor causes. He regularly finds time to serve his community as well. He is the past president of the Lake County Planning Commission and was a board member for eight years. He has also spent two years as a board member of the Lake County Association for Retarded of Northwest Indiana. Don Hamilton has dedicated much of his life to efforts that benefit his fellow union members and advance the prosperity and strength of his community of Northwest Indiana and the entire state.

On this special day, I offer my heartfelt congratulations to Don Hamilton. His large circle of family and friends can be proud of the contributions this prominent individual has made. His work in the labor movement provided union workers in Northwest Indiana with opportunities they certainly would not have otherwise enjoyed. Mr. Hamilton's leadership kept the region's labor force strong and helped keep Americans working. Those who have worked with him in the labor movement and in his community will surely miss Mr. Hamilton's dedication and sincerity. I hope my distinguished colleagues will join me in wishing Don Hamilton a long, happy, and productive retirement.

HONORING GRANDMASTER DAE
WOONG CHUNG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I honor Grandmaster Dae Woong Chung, who has been teaching the traditions of Taekwondo to the citizens of Pomona and the surrounding area for over 35 years. Grandmaster Chung has a 9th degree black belt.

Eighteen years ago, Grandmaster Chung started a program of teaching high school students at Pomona Unified School District at no cost to them. He also has instructors teaching at many local churches and service organizations, such as Boys' and Girls' Clubs and YMCA's.

Grandmaster Chung is currently the Director of the Saehan Bank, which has four locations in the counties of Los Angeles and Orange. In fact, the newest location opens today, in the my district, in the city of Rowland Heights.

Grandmaster Chung was the first Taekwondo master to teach Taekwondo in California, starting back in 1965, and has since dedicated his life to teaching the martial art of his mother country to the citizens in the Pomona Valley.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending Grandmaster Chung for his 35 years of commitment and outstanding service to our community.

HONORING OLYMPIAN GARRETT
LOWNEY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, today I offer a brief tribute to a young man from my district, Garrett Lowney, who this week was awarded the Bronze Medal at the Summer Olympic Games in Sydney, Australia.

Garrett, a U.S. Olympian competing in Greco-Roman wrestling, overcame injury and adversity to bring the Bronze Medal home to the United States in a sport typically domi-

nated by other nations. I know all of us back in northeastern Wisconsin are very proud of his achievements, and folks across America should share that pride. For Garrett's medal is as much an achievement for our nation as it is for Garrett himself.

To win his victory, Garrett defeated a two-time champion Silver Medal winner, a five-time world champion, and another two-time world champion, among others. Despite a neck injury and being forced to battle through overtime in four of his matches, Garrett managed to win every match except one—and became the youngest American ever to win a wrestling medal in the Olympic games.

So today, I say thank you, Garrett Lowney. Thank you for making us proud. Thank you for devoting so much of yourself, your time, and your talents to excellence and to our Nation.

PERSONAL EXPLANATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. EWING. Mr. Speaker, on September 26 and 27, 2000, I was attending to business in my district, and as a result, missed 6 rollcall votes. The votes I missed are rollcalls: Nos. 494, 495, 496, 497, 498, and 499. Had I been present, I would have voted "aye" on all six rollcall votes.

CONGRATULATING PURDUE
UNIVERSITY CALUMET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise before you to congratulate Purdue University Calumet as it holds its Chancellor's Gala and Hall of Fame Reception tonight, September 28, 2000, at the Center for Visual and Performing Arts in Munster, Indiana.

Part of the internationally renowned Purdue University system, Purdue University Calumet, located in Hammond, Indiana, is a comprehensive regional university with some 9,300 students and 80 academic programs focused on the educational needs of the people in Northwest Indiana. Tonight's dinner will be in recognition of the people who helped make Purdue Calumet what it is today. As part of the gala event, Purdue Calumet Chancellor James Yackel and new Purdue University President Martin Jischke have the honor and privilege to induct this year's honorees into Purdue Calumet's Hall of Fame. The Purdue University Calumet Hall of Fame was founded in 1996 in honor of Purdue Calumet's 50th Anniversary. It is awarded to alumni and friends of Purdue Calumet who have made significant accomplishments and have displayed a life-long dedication to the university, the community, and the world. This year's honorees include Steven C. Beering, the recently retired Purdue University President, Adam Benjamin,

Jr., the late Northwest Indiana Congressman, and the Northern Indiana Public Service Company.

Steven C. Beering, Purdue University President Emeritus, will receive the Chancellor's Award for Dedication to Higher Education and Extraordinary Public Service, and will be inducted into the Purdue University Calumet Hall of Fame for his long-time support of the Purdue Calumet campus. He served as president of Purdue University for 17 years before his retirement last month. During his tenure, the Purdue system experienced significant growth in both enrollment and facilities. Clear examples of his commitment to expanding facilities and services at Purdue Calumet can be seen in the development of the Donald S. Powers Computer Education Building, the Classroom Office Building, the Charlotte R. Riley Child Center, the Challenger Learning Center of Northwest Indiana, and Purdue Calumet's newest facility, the Center at Purdue University Calumet, a conference and special events facility. His colleagues at Purdue Calumet will sincerely miss President Beering and his commitment to educational and administrative excellence.

The Chancellor's Award for Extraordinary Public Service will be presented posthumously to Congressman Adam Benjamin, Jr. Congressman Benjamin represented Indiana's First Congressional District from 1976 until his death in 1982. Prior to his election to Congress, Benjamin served as the zoning administrator and the executive secretary to the mayor in Gary, Indiana. He was elected to the Indiana State House in 1966 and to the Indiana State Senate in 1970. The late Congressman Benjamin tirelessly devoted himself to advancing the interests of his constituents in Northwest Indiana. He was characterized by many as a dedicated and effective public servant, sharing the hopes and dreams of the people he served and the community he represented.

Northern Indiana Public Service Company (NIPSCO) will receive the Carl H. Elliott Award for exceptional Philanthropy for its extensive support of non-profit organizations in Northwest Indiana. Notably, NIPSCO has established an endowed scholarship at Purdue Calumet, and has provided start-up funding for the University's Resource Center and Entrepreneurship Center. The company's investment in the educational opportunities of those in its community has earned it the acclaim of students, educators, and administrators at Purdue Calumet.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Purdue University Calumet and this year's Hall of Fame inductees for their lifetime dedication not only to the university, but to all of Northwest Indiana.

A TRIBUTE TO COMMANDER
TEMPLE L. ALLEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedica-

tion of my friend from San Diego, Lieutenant Commander Temple L. Allen. His career in the United States Navy spans three decades and has earned many awards and recognitions, including Navy Commendation Medal presented to him by the Secretary of the Navy. I would like to take a moment to commend Temple's exceptional service to our country.

Temple began half a century ago in Ontario, California where he enlisted, and upon finishing submarine school was assigned to the U.S.S. *Catfish*. Since then, Temple went on to provide expert organizational guidance and leadership that was required to effectively repair many submarines at the NEREUS facility. He was recognized by his peers for his outstanding responsiveness in the NEREUS repair department and the high quality of work that was directly attributed to him. Throughout his tenure in the Navy, Temple inspired leadership, professionalism, and devotion to duty to those he served with and has continually conducted himself with the highest traditions of the United States Navy.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders, such as Temple, exemplify the commitment our armed forces has to superior performance. As a veteran and Chairman of the House Subcommittee on Military Procurement, I would like to commend Commander Temple L. Allen for all of his efforts and years of service and to the United States Navy and our country.

TRIBUTE TO "ANGELS IN ADOPTION"
KEVIN AND EILEEN GILLIGAN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. WALSH. Mr. Speaker, each year in an effort to improve adoption policy and practice, the Congressional Coalition on Adoption holds a national award ceremony honoring "Angels in Adoption." The purpose of the "Angels in Adoption" campaign is to help raise public awareness of the many different ways committed individuals in our country can help children and families through adoption. This crusade is an opportunity to recognize these unsung heroes who make a difference for needy children all across the world.

Today, I would like to recognize two of this year's "Angels in Adoption" from my congressional district, Kevin and Eileen Gilligan of LaFayette, New York. As a couple, the Gilligans epitomize the loving, caring commitment found in all adoptive parents. In June of 1999, Kevin Gilligan wrote a journal for his new and youngest son, Louis, chronicling their trip to the Russia Republic to adopt him, which became front-page stories in the Syracuse Newspapers. Previously, the Gilligans adopted their daughter, Addie, who is now 13 years old, and their son, Min, who is 11 years old, from Korea.

I want to commend the Gilligans for the warmth and compassion they have extended to children in need. When Kevin and Eileen met Louis for the first time, he did not even

know how to express the most simple of affections, a kiss. As a family, they welcomed him and their two other children into their home and showed them how to love and be loved.

I use this opportunity to recognize Central New York's "Angels in Adoption," Kevin and Eileen Gilligan, and salute all adopted families in our nation.

IN RECOGNITION OF STATE SENATOR M. ADELA "DELL" EADS' OUTSTANDING SERVICE TO THE PEOPLE OF CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to mark the end of an era in the government of my home state of Connecticut. With the retirement of State Senator M. Adela "Dell" Eads, the Connecticut Legislature is losing more than just a valued and respected member, it is losing a woman who represents the best that Connecticut has to offer, the epitome of the finest tradition of public service.

With over 24 years of service in the Connecticut State Legislature, Dell has left her mark on countless pieces of landmark legislation. From her work to establish the Connecticut Office of the Child Advocate to her leadership on welfare reform, Dell always championed the cause of Connecticut's children and families and acted to protect their interests.

But while Dell's legislative accomplishments are too numerous to mention, the one quality she will be remembered for is clear: leadership. Whether it was as leader of the Republican caucus or as President Pro Tem of the Senate, Dell commanded the respect of adversaries and allies alike. Her career in the legislature is a testament to the fact that civility, intelligence, integrity and strength are qualities that can be found in one individual. Such a public servant is a gift to be treasured in a democracy.

Connecticut and our country are the beneficiaries of the outstanding service provided by M. Adela Eads. I have been privileged to serve with her and to enjoy her friendship as well. I wish her all the best for a happy, healthy and productive retirement.

TRIBUTE TO THE HISPANIC
PARADE COMMITTEE, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. SERRANO. Mr. Speaker, it is with great joy that I today pay tribute to the Hispanic Parade Committee, Inc. on its 36th Grand Parade. The parade will be held on October 8, 2000, in New York City.

In 1965 the Hispanic Societies met in New York for the purpose of celebrating the discovery of America by Christopher Columbus

on October 12, 1492. This was to be accomplished through a parade, which would celebrate the heritage and spirit of the children of the Hispanic American union with a message from Spain and the Latin American nations, representing each country's culture, traditions and folklore.

Mr. Speaker, this project came to fruition in August of 1965 when the Hispanic Societies agreed to celebrate with a true Fiesta in the Latin American spirit that every year in the city of New York on the Sunday closest to the 12th of October. From that year on, the Hispanic Parade Committee has organized the memorable annual event now known as "Desfile de la Hispanidad" with the participation of Spain and all Hispanic American nations, to commemorate and celebrate Hispanic culture, races, language, religion, and traditions through colorful presentations of each country's costumes, folklore, and music, marching up Fifth Avenue from 44th Street to 72nd Street.

The Hispanic Parade Committee is made up of 50 organizations and a board of 27 representatives who spend a whole year preparing and organizing this complex multinational public event, with numerous cultural and entertainment activities. Among the many activities are the Spring Dance in honor of the reigning Queen of the Parade and her Court of Honor; the Salute to the Americas, which are series of conferences and lectures given by important authorities of the Hispanic world; the Art Exhibits where Latin American artists are invited to exhibit their art; the Sports Championships, which include soccer and softball competitions; the election of the Queen of the Hispanic Parade; a Catholic Mass of the Hispanic Parade, which is celebrated in St. Patrick's Cathedral and dedicated to a Patron Saint of a participating country; and the Great Gala Banquet to celebrate and recognize outstanding individuals of the Hispanic world.

The Hispanic Parade Committee has been growing every year. Fifty organizations belonging to the twenty-one Hispanic-American countries are now affiliated in the Parade, there will be a band, 40 allegorical carriages, and 30 folkloric groups representing these organizations.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in recognizing the Hispanic Parade Committee, Inc. and in wishing them continued success on October 8 and in the future.

HONORING THE 50TH ANNIVERSARY OF THE RAVENNA CHURCH OF THE NAZARENE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize the Ravenna Church of the Nazarene during its 50th Anniversary celebration. This quaint church, nestled in Central Kentucky, has served the community and its members in many different ways over the past 50 years—now they come together to reflect on the many memories and years of fellowship.

Located on Main Street in Ravenna, Kentucky, the Church of the Nazarene holds services in the same building that was dedicated in November of 1956. Now, 50 years later, the Church still stands on a strong foundation, rich with faith and a strong desire to serve its congregation and the surrounding community. It's an active congregation, with weekly services and children's groups. Each year, the congregation comes together for the annual homecoming, where stories are shared and many past years are revisited with joy.

It is a pleasure to recognize the Ravenna Church of the Nazarene on the House floor today, during its 50th Anniversary celebration. I wish this church and its members the very best for many, many years to come.

THE COLORADO COALITION FOR
NEW ENERGY TECHNOLOGIES

HON. MATT SALMON

OF ARIZONA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. SALMON. Mr. Speaker, though my colleague, Mr. UDALL of Colorado, and I are from different states and opposite political parties, we join together today in saluting the Colorado Coalition for New Energy Technologies. This coalition, established early this year, brings together Colorado businesses and non-profit groups in support of environmentally responsible economic growth through the efficient use of Colorado's abundant and clean sources of energy.

This new coalition has already accomplished several successes in its short tenure, but perhaps one of the most notable was to help key members of the Colorado state legislature establish the Colorado Renewables and Energy Efficiency Caucus. Modeled on the U.S. House Renewables and Energy Efficiency Caucus, of which we are co-chairs, this state caucus was founded in March 2000 by seven state Senators and Representatives of both parties. Within two months of its founding, this caucus more than doubled in size to 17 state legislators before the 2000 Colorado General Assembly adjourned. Like the U.S. House Caucus, the primary goal of the Colorado caucus is to educate legislators about cutting-edge advances in renewable energy and efficiency technologies, many of which are developed in Colorado at the National Renewable Energy Laboratory in Golden.

Throughout its activities, the Colorado Coalition for New Energy Technologies seeks to emphasize how investment in new energy technologies helps sustain the economic prosperity of Colorado and of the United States. In its short existence, it has proven to be a resource for its members, as well as to Colorado state legislators seeking timely and accurate information on new energy technologies.

We salute the Colorado Coalition for New Energy Technologies, its members and its leadership for the valuable contribution it is making to the formation of energy policy in Colorado.

ANNUAL BANKING FEE SURVEY
EXTENSION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation to extend and expand provisions in current law that require the Federal Reserve Board to report annually to Congress on the cost and availability of retail banking services. These annual bank fee studies have been an invaluable source of information about banking costs and trends that have benefitted consumers and assisted the Banking Committee's oversight of financial activities. The Federal Reserve Board acted last year, under existing law, to terminate all future bank fee reporting. My legislation would amend current law to continue these reports and expand them to reflect broader market activity. The House has passed broader legislation reauthorizing a number of important consumer reports, including the bank fee report in its current form, but that bill is currently awaiting Senate action.

In 1989, Congress directed the Federal Reserve Board, as part of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), to study and report annually on discernible changes in the cost and availability of certain retail banking services. The purpose was to determine whether banks would pass on the expense of higher deposit insurance costs resulting from the savings and loan crisis to consumers. These annual studies were expanded, under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, to include more detailed state-by-state reporting on discernible changes in the cost and availability of retail banking services resulting from the lifting of bank interstate branching restrictions.

Last year, the Federal Reserve Board determined that its annual banking fee surveys and reports were no longer needed. Responding to provisions of the 1995 Federal Reports Elimination and Sunset Act that permit federal agencies to eliminate outdated or unnecessary reports, the Board included the annual bank fees surveys among a number of Congressionally mandated reports that it proposed to eliminate. The Board's rationale was that the original intent of the reports, determining whether the added costs of deposit insurance were being passed on to consumers, was no longer relevant since banks are now paying minimal premiums for FDIC deposit insurance, and consumers now have broader access to bank fee information over the Internet.

While concerns with higher banking costs arising from the S&L crisis have certainly subsided, the annual service fee reports have taken on increased importance in recent years with the passage of interstate branching and increased consolidation within the banking industry. Passage of the landmark Financial Service Modernization Act last year also creates a continuing imperative to understand how increased integration and cross marketing of services among banks, investment firms and insurance companies will affect the cost and availability of basic financial services.

Consumer groups have raised very credible arguments that the annual bank fee reports are more necessary now than at any time in the past to determine what effect more rapid consolidation among financial services providers is having on consumers—whether the costs of mergers and acquisition are being passed on to consumers and whether consumers realize any of the promised cost benefits of financial modernization.

I have also found the Federal Reserve's annual fee reports to be the only official source of information documenting several extremely important changes within the retail banking sector. In recent years, non-interest income from fees and services has replaced interest income as the major contributor to the record levels of bank profits. In the past three years alone, bank non-interest income has increased on average by 18 percent, with interest income growing by roughly 4 percent annually. Non-interest income has quickly replaced traditional interest charges as the major contributor to bank earnings. As a result, banks of all sizes have sought out new sources of fee income to maintain earnings as greater competition among lenders has shrunk bank lending margins.

These changes have prompted banks and thrift institutions to institute a pay-for-service approach to basic banking and a "penalty pricing" approach to credit cards and ATMs that have generated significant new revenue for banks while antagonizing increasing numbers of consumers. The Federal Reserve Board's annual reports have documented these changes, showing significant and steady growth in over 20 categories of banking service fees. The report has also shown substantially higher average growth in fees among larger multi-state banks and thrifts than among smaller local institutions. This has provided important comparison shopping information for consumers and may help explain why many of the nation's largest banking institutions support the Board's decision to eliminate these reports.

Given the changing financial marketplace and the marked changes in retail banking services, the information provided in the bank fee reports is more important now than at any time in the past decade. It should be Congress, not the Federal Reserve Board, that determines when the information provided in these annual reports is no longer needed by Congress or relevant to consumers.

My legislation, the "Annual Banking Fee Survey Extension Act," proposes two changes in current law to assure that the Federal Reserve Board continues reporting annually to Congress on the cost and availability of retail banking services until such time that Congress determines it is no longer relevant or necessary. First, it amends the Federal Reports Elimination and Sunset Act of 19956 to exempt the annual bank fee reports from the discretionary authority provided the Federal Reserve Board to discontinue outdated or unnecessary reporting requirements. Second, it amends the 1994 Riegle-Neal Interstate Branching Act to repeal a provision that would sunset aspects of the fee study requirement in late 2001.

In addition, the bill expands the mandate for annual fee reporting to include the fees for retail services charged by credit unions. Past surveys and reports have included only the fees charged by bank and thrift institutions. A large and growing segment of our population currently obtains checking and other financial services from credit unions. Inclusion of credit union fees would make the annual reports more broadly representative of the broader consumer marketplace. It would also document differences in costs between banks, thrifts and credit unions that will enhance competition and benefit consumers.

My legislation also expands the focus of the annual fee studies to include various fees and charges associated with credit cards. Past fee reports have included data only on basic checking and savings account services and only those additional fees specifically requested by statute, such as fees associated with ATM transactions. Institutions that offer credit cards now impose a large and growing array of charges and penalties, such as late payment fees, annual fees, over-the-limit fees, cash advance fees, convenience check fees, foreign currency conversion fees, and many more. I have received more complaints from my constituents about credit card fees than all other banking fees combined. Credit cards, in general, are one of the foremost concerns among consumers in my district and, I believe, among consumers in all parts of the country. The fees and penalties charged in connection with credit cards clearly should be incorporated in any future study of retail banking costs.

Mr. Speaker, the financial marketplace has changed dramatically over the past half decade and will continue to change in response to the landmark financial modernization legislation we enacted last year. It is imperative that Congress have all the information necessary to assess whether these changes will enhance the services available to consumers or only benefits financial institutions at the expense of consumers. My legislation merely extends Congress' prior request for annual reporting on banking fees and costs. This is reasonable and responsible legislation that Congress should enact before adjournment this year.

HONG KONG TRANSITION TASK
FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. BEREUTER. Mr. Speaker, following his visit to Hong Kong in April 1997, Speaker Gingrich tasked this Member with the responsibility of creating the Speaker's Task Force on the Hong Kong Transition and of observing and reporting on Hong Kong's status following its return to the People's Republic of China. The Task Force is bipartisan in nature and all members of it have been drawn from the Subcommittee on Asia and the Pacific, of which this Member is the Chairman.

On behalf of the Task Force, this Member would like to inform his colleagues that the

eighth report of the Speaker's Task Force on the Hong Kong Transition has been filed. In summary, the Task Force continues to believe that the transition has progressed satisfactorily, although concerns remain in areas such as press self-censorship and controls, export controls and most notably, rule of law. The recent controversial remarks by Chinese officials warning against press coverage of issues regarding Taiwan and of business support for Taiwan independence have been a concern, as has the issue of judicial independence and the rule of law as a result of the "right of abode" case. These issues will need to be watched closely.

Hong Kong's political system continues to evolve, although progress towards further democratization has not been as rapid as many would like. The Hong Kong press remains free and continues to comment critically on the People's Republic of China (PRC), although threatening remarks by PRC officials in reference to press coverage related to Taiwan is worrisome. Public demonstrations continue to be held. Indeed, there is a vigorous public debate on the issues of democracy and law. The legislature and free press have used their roles to increase government accountability and transparency.

Mr. Speaker, a copy of the Task Force's eighth report is available on the internet website of the Subcommittee on Asia and the Pacific: www.house.gov/international_relations/ap/ap.htm. It is also available in hard-copy from the Subcommittee office.

REPUBLIC OF CHINA'S NATIONAL
DAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. KING. Mr. Speaker, as President Chen Shui-bian, Vice President Annette Lu and the people of the Republic of China prepare to celebrate their National Day on October 10, 2000, I wish to extend to them my congratulations.

The Republic of China on Taiwan has a lot to be proud of. Taiwan's economy is very strong. For instance, export orders reached US \$74 billion from January to June, up 21 percent from the same period last year. In June of this year, exports and imports enjoyed almost 25 percent growth from the year-earlier period. It is the government's policy to continue to develop Taiwan's new economy based on information and high technologies. Furthermore, Taiwan's citizens enjoy one of the highest living standards in the world. Politically, Taiwan is a true democracy with free island-wide elections, press independence and political pluralism.

Mr. Speaker, Taiwan is a model of success for many countries in the world, and we need to give Taiwan our approbation and support.

ADDRESSING ALCOHOL AND THE
COLLEGE CAMPUS**HON. DEBORAH PRYCE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to discuss a serious problem facing our society today—the misuse of beverage alcohol on our nation's college and university campuses. This problem negatively impacts students, universities and industry as well as our communities. Therefore, it is essential that these entities work together to solve this national problem. Mr. Speaker I would like to draw the attention of my colleagues to the creative solutions being pursued by community-based partnerships across America.

On October 23rd to 25th in Washington, D.C., a number of colleges and universities, along with the Distilled Spirits Council of the United States, will convene a national conference to discuss best practices, create new partnerships and share information on solutions to this complex problem. During this weekend, students, retailers, community leaders, manufacturers, university administrators, law enforcement officials and parents will come together in partnership to discuss solutions to this challenge.

I commend these institutions of higher education and the distilled spirits industry for their leadership on this issue. As is the case with many societal problems, solutions are most effective when everyone works together.

Mr. Speaker, I know I speak for many of my colleagues in saying we eagerly await the action-oriented plans this conference will produce. I wish all the participants, supporters and planning partners the best as they work together toward a common goal.

92ND DIVISION REUNION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to a reunion that will take place in my congressional district on October 6th through 8th. The U.S. Army's 92nd Infantry Division, the "Buffalo Division," will be holding a reunion at the Wyndham Garden Hotel in Pittsburgh.

The 92nd Infantry Division was an Army division composed of African American soldiers which saw action in both World War I and World War II. The 92nd Infantry Division served in the Meuse-Argonne region and Lorraine in World War I, and it participated in the hard fighting up the Italian peninsula during World War II. The Division saw action in World War II in the North Apennines and the Po Valley. It participated in the crossing of the Arno River, the occupation of Lucca, and the penetration of the Gothic Line, as well as an advance north along the Ligurian coast. The 92nd Division's actions demonstrated the bravery and dedication of African Americans to their country.

EXTENSIONS OF REMARKS

Until this year, the 92nd Infantry Division's annual reunions had always been held in Washington, D.C., but thanks to the initiative of the Reverend James Tillman, a veteran of the 92nd Infantry Division, the unit's 58th reunion will be held in Pittsburgh. Reverend Tillman and retired Army Lieutenant Colonel Patricia Tucker are co-chairing this reunion. The decision to hold this reunion in Pittsburgh reflects the fact that Allegheny County is home to roughly 100 of these "Buffalo Soldiers," but it also provides an excellent opportunity for raising the awareness of the region's residents about the combat service of patriotic African Americans in the U.S. Army at a time when it was operating under the shadow of racism, segregation, and discrimination. Mr. Speaker, I am proud that the veterans of the 92nd Infantry Division have chosen Pittsburgh for their annual reunion. I want to thank them for their heroic service to their country, and I want to extend a warm welcome to all of the reunion participants on behalf of the people of Pennsylvania's 14th Congressional District.

VIOLENCE AGAINST WOMEN ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Ms. LEE. Mr. Speaker, I am pleased that the House passed H.R. 1248, the Violence Against Women Act (VAWA) of 1999 by a vote of 415–3. H.R. 1248 will reauthorize the act for 5 years and expand preventive measures against violence against women.

This measure will maintain and expand battered women's shelter programs, rape prevention programs as well as provide assistance to the growing number of victims.

While I was a state senator in California, I introduced similar legislation because I believed then, as I do now, that this issue is extremely important to the lives of women and their children. It has been ignored for too long.

In the past, domestic violence was not considered a crime. Today, however, police officers are getting trained to understand these crimes as well improve their ability to enforce the law.

VAWA has provided critical services to thousands of battered women. Since VAWA passed, the Department of Justice and Health and Human Services have awarded over \$1.6 billion in grants nationwide to support the work of prosecutors, law enforcement officials, the courts, victims' advocates, health care and social service professionals, and intervention and prevention programs.

In addition, VAWA established a domestic violence hotline, which has received over half a million calls.

Unfortunately, domestic violence still devastates the lives of many women and children. Nearly 900,000 women experience violence at the hands of an intimate partner every year. Close to one-third of women murdered each year are killed by their husbands or significant other; and domestic violence accounts for over 20% of all violent crimes against women.

Children should not have to watch their mothers get beaten. Unfortunately, some of

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these children grow up to continue the cycle of abuse. And, they end up in prison.

Again, I am pleased with the passage of the VAWA because it has helped to save numerous lives of women and their children. This law has provided battered women and their children, a safe haven, and the support necessary for their physical and emotional security.

VAWA has given a second chance to these women as well as saved many of their lives.

Violence against women should not be tolerated. This legislation provides greater protections to all the women who have been victimized and abused.

AMERICAN INTERESTS IN THE
MIDDLE EAST PEACE PROCESS

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. DINGELL. Mr. Speaker, yesterday, the House passed H.R. 5272, the inappropriately named "Peace Through Negotiations Act of 2000." This legislation is unnecessary, ill timed and not in the best interest of our country or the Middle East peace process. I believe, like the Administration, that the Palestinian Authority should not unilaterally declare statehood outside the framework of a negotiated peace settlement. Unilateral actions by either the Palestinians or Israelis can erode, disrupt, and possibly derail a peace process that we all support and want to see to conclusion in order for future generations to be able to live a normal and stable life.

For starters, this legislation was wholly unnecessary given President Arafat's recent decision not to unilaterally declare a state because it would jeopardize the peace process. Instead of acknowledging the fact that the Palestinian Authority acted with considerable restraint in making this decision, which I will note was not popular among the Palestinian people, we have unfairly and unnecessarily condemned the Palestinian Authority at the very time discussion between Arafat and Prime Minister Barak were underway.

I ask my colleagues, have you read this legislation known as the "Peace Through Negotiations Act?" I have and that is why I am concerned, because while the message sent by H.R. 5272 was bad, its substance is worse.

In particular, I am concerned that Section 4a(1) of the legislation supercedes a portion of the Middle East Peace Facilitation Act and reverses a presidential determination on the national security of the United States. Reversing a standing law that has successfully guided our policy in the Middle East peace process should only be done after serious deliberations. Reversing a Presidential action that he determines is in the national security of the United States is even more serious. Both these actions are done by this legislation without a single hearing or public request for the President's views. Members of the International Relations Committee were given less than twenty-four hours notice of the mark-up of this legislation. The bill passed the Committee on Tuesday with barely half the Members present and voting. The full House

passed it on Wednesday under restrictive procedures denying anyone the opportunity to amend it. This legislation is too important to be acted upon in such a rushed fashion. To have done so does not speak highly of the Republican leadership of the House of Representatives.

Moreover, the legislation is flawed because it does not address unilateral actions of all parties. In my view, the unwillingness of the legislation to address unilateral actions of both sides puts our Middle East peace process negotiators in a terrible position. We in Congress should not take actions that make the efforts of American peacemakers more difficult.

My hope is that our colleagues in the Senate do not follow the House's sad example and rush to action without sufficient consideration of all of the ramifications of this legislation.

HONORING U.S. REPRESENTATIVE SOLOMON P. ORTIZ IN RECOGNITION OF THE PORT OF CORPUS CHRISTI'S DEDICATION OF ITS WATERFRONT DEVELOPMENT AS THE CONGRESSMAN SOLOMON P. ORTIZ INTERNATIONAL CENTER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. NAPOLITANO. Mr. Speaker, the Members of the Congressional Hispanic Caucus rise today to honor a respected colleague, an extraordinary Texan and effective public servant, Congressman SOLOMON P. ORTIZ. Since 1982, Congressman ORTIZ has served as a strong advocate for his constituents in the 27th Congressional District of Texas. During his 18 years of service, he has fought tirelessly to bring jobs and enhance the quality of life for residents of the Bay of Corpus Christi to the international border with Mexico.

In recognition of Congressman ORTIZ's lifetime of remarkable leadership and his work on behalf of the Port of Corpus Christi in the area of economic development and trade, Members from the Congressional Hispanic Caucus will join South Texans in Corpus Christi on September 29, 2000 to dedicate the Port of Corpus Christi's new international meeting facility and cruise terminal as "The Congressman Solomon P. Ortiz International Center."

According to William Dodge III, Port Commission Chairman, Congressman ORTIZ ". . ." is a strong advocate for the Port of Corpus Christi. He continues to be a leader on international trade issues that significantly impact the Port and the South Texas region. The Congressman recognizes the importance of the Port to the region and always works to ensure that the Port has the necessary resources to help fulfill the mission of diversification. Naming the waterfront development in his honor is a tribute to his contributions and support of the Port."

Working with Congressman ORTIZ in the U.S. House of Representatives, and knowing first-hand of his endless passion and dedication to public service, we, the Members of the Congressional Hispanic Caucus applaud and

endorse the actions of the citizens of South Texas in naming the International Center in his honor. Congressman ORTIZ will continue his significant work to support and strengthen the Port of Corpus Christi, promote international commerce, and ensure that global trade benefits his constituents and the people of the United States.

We urge all our colleagues to join us today in recognition of his 18 remarkable years of service and offer our personal congratulations on the occasion of the dedication of the Port of Corpus Christi's waterfront development as "The Congressman Solomon P. Ortiz International Center."

INTRODUCTION OF THE HOME HEALTH CARE PROTECTION ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. MARKEY. Mr. Speaker, this week I introduced the Home Health Care Protection Act of 2000, H.R. 5303, the companion bill to the Senate version introduced by Senator JEFFORDS. This bill will clarify the definition of "homebound" and improve the lives of millions of Americans who are confined to the home as well as their caregivers.

In my own family, my mother who was afflicted with Alzheimer's Disease was confined to the home for over eight years. My father was her caregiver. I was awed by his utter devotion and dedication to her care, day in and day out. Taking care of an Alzheimer's patient is grueling. It's a 24 hour a day job, 7 days a week. For many caregivers the only break in attending to the needs of the Alzheimer's patient is through adult day care services. Adult day care not only provides therapy for the Alzheimer's patient but a desperately needed break for the caregiver.

But, Mr. Speaker, the unfortunate truth is that Medicare beneficiaries are unable to attend adult day care without losing their home health benefits because of a narrow interpretation of the Medicare law. Alzheimer's patients may not attend adult day care without losing their home health benefits even though we know that adult day care services are a complement to home health benefits, relieve caregiver burdens and delay nursing home placement—all at zero cost to the Medicare program.

However, yesterday in the Commerce Committee we took a step toward correcting this situation—a victory was won for Alzheimer's patients and their caregivers. The BBA give-back package which was passed out of Committee unanimously by voice vote included language clarifying the "homebound" definition in the law allowing for Medicare beneficiaries with Alzheimer's disease who are confined to the home to attend adult day care services without losing their home health benefits.

While we took a step in addressing this important issue with respect to Alzheimer's patient's broader language to encompass ALL beneficiaries who are confined to the home was not included by the Chairman's mark.

Furthermore, this language will not allow any beneficiaries who are confined to the home to attend religious services, or to take a slow, arduous walk around the block, or to attend once in a lifetime events like a granddaughter's graduation, or a grandson's wedding.

Mr. Speaker, this isn't right.

However, H.R. 5303, The Home Health Care Protection Act of 2000, is designed to correct this flaw. H.R. 5303, is the companion bill to the Senate version introduced by Senator JEFFORDS. It further clarifies the "homebound" definition to allow for those who have had the misfortune of an illness which confines them to the home, to attend a graduation, to go to their place of worship and to attend adult day care services.

It's time we clarify the definition of "homebound" in the Medicare law. Homebound beneficiaries should be free to leave the home under special circumstances without fear of losing their home health benefits. It's only right, Mr. Speaker. Americans who are confined to their homes deserve better. We can and should do more for them. Making the Home Health Care Protection Act of 2000 the law of the land will do just that.

COLLEAGUES PRAISE CHAIRMAN SHUSTER'S LEADERSHIP AT TRANSPORTATION COMMITTEE HELM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to one of the greatest committee chairmen we have seen during the past few years in the House. He has served in the House of Representatives for 28 years, 6 of those as Chairman of the Transportation and Infrastructure Committee, the largest and most productive committee in the Congress.

Following the committee's final full committee meeting Wednesday of this week, my colleagues and I surprised Chairman SHUSTER with the presentation of a plaque to him commemorating his achievements as Chairman.

During that presentation and speaking on behalf of Committee Democrats, Ranking Member JIM OBERSTAR (D-MN) said:

Mr. Chairman, a few short moments ago we passed a bill designating a courthouse for President Theodore Roosevelt.

I quote Roosevelt's "The Man in the Arena" speech:

"It is not the critic who counts, not the man who points out how other strong men stumbled or how the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again, and again, because there is no effort without some error or shortcoming, but who knows the great enthusiasm, the great devotion, who spends himself for a worthy cause; who at best, knows in the end the triumph of the high achievement, and who, at the worst, if he fails, at least he fails while daring greatly so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Mr. Chairman, you are a man in the arena—and your achievements as Chairman speak for themselves. Everyone in this room knows the enormous accomplishments of TEA 21, AIR 21, and trust fund firewalls. Some may not know the “smaller” accomplishments that do not get the headlines—such as reauthorization of the Economic Development Administration and the Appalachian Regional Commission—“little” programs that make a real difference in the lives of our people. We all serve on this Committee because we believe that its transportation, infrastructure, and environmental programs make a real difference in our constituents’, and all American’s lives.

Mr. Chairman, part of the joy of serving on this Committee is the way in which we work together to develop bipartisan bills. In this Congress, the Committee has: Held 114 hearings; reported 98 bills, 30 percent of bills reported by all Committees in the House (325); passed 92 bills, 22 percent of all bills passed by the House (427); and 30 Transportation Committee bills have become law, 11 percent of all public laws enacted in the 106th Congress (269).

And that is the record only so far—I can say with confidence that many more Transportation Committee bills will become law before the 106th Congress adjourns.

Mr. Chairman, we, as a Committee, have worked extraordinarily well over the last 6 years under your leadership. We do not know

what the elections hold this November and I am not here to predict. However, under current House Rules, you will be unable to chair the Committee in the 107th Congress. I did not want this opportunity to pass without recognizing your effective bipartisan leadership of this Committee.

On behalf of our Committee’s Democrats and particularly myself, I present you with a plaque to commemorate your chairmanship. For the 104th and 105th Congresses, it lists the number of hearings held, Committee bills passed by the House of Representatives, and bills that have become law. It has a spot for the 106th Congress; we will fill that in when we have completed our work.

It also has a gavel—a gavel that you have wielded so well for these 6 years. Congratulations, Mr. Chairman.

In addition to Mr. OBERSTAR, Mr. THOMAS PETRI (R-WI), Chairman of the Ground Transportation Subcommittee, said, “Chairman SHUSTER’s historic leadership deservedly has been recognized by the prestigious Congressional Quarterly which named him one of the five top ‘Legislative Drivers’ in the Congress, (the other four being U.S. Senators), and the National Journal recently reported that ‘SHUSTER has chalked up a remarkable record. Not surprisingly, his colleagues regard him as one of the last great chairmen on Capitol Hill.’ We all salute Chairman SHUSTER for his extraordinary

accomplishments. This has been the 6 most productive years in the Committee’s history.”

I have said many times that if a young Member of Congress wanted to see how to get things accomplished in the Congress, he should follow Chairman BUD SHUSTER for awhile.

Chairman SHUSTER is respected by everyone, on both sides of the aisle, and staff as well as Members.

Chairman SHUSTER has spent his career building America. The fruits of his work can be seen all over this Nation, and improvements that he started will be going on for many years.

Our economy is much stronger, and, more importantly, lives are being saved because of projects which owe their genesis in major part to BUD SHUSTER.

I personally appreciate the kindness shown to me by Chairman SHUSTER. I could not have been the Chairman of the Aviation Subcommittee, the highlight of my service in the Congress, if it had not been for BUD SHUSTER.

I owe him a great personal debt, but I believe our country does as well. I believe that this Nation is a much better place today because of Chairman BUD SHUSTER, and I am very proud to call him my friend and my leader.